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ETHNIC VIOLENCE IN TRANS-CAUCASIA

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ETHNIC VIOLENCE IN TRANS-CAUCASIA

MONDAY, MARCH 8, 1993.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Washington, DC.

The Commission met in room G–50 of the Dirksen Senate Office Building, Washington, DC, 20515, at 2:30 p.m., Hon. Dennis DeConcini, Chairman, and Hon. Steny H. Hoyer, Co-Chairman, presiding.

Present: Senator Dennis DeConcini, Representative Steny H. Hoyer, Senator Charles Grassley, Representatives Anna Eshoo, James Moran, and Greg Laughlin.

ChairmanN DECONCINI. The Commission on Security and Cooperation will come to order. Thank you for waiting, Mr. Chairman.

Welcome to this very timely hearing on the situation in Trans-Caucasia. As you know, no region of the former USSR has experienced more inter-ethnic and inter-state violence than this area. Bloody conflicts in Nagorno-Karabakh and Abkhazia are continuing even as we speak today, and casualties are constantly mounting.

For the last 5 years, the Helsinki Commission has been following the situation in Armenia, Azerbaijan, and Georgia very closely. Co-Chairman Hoyer and I have been to the region, and have met with heads of state, members of the parliament, and the opposition leaders to sound out positions and try to establish the possible parameters of settlement of some of these conflicts.

CSCE talks have resumed in Rome regarding Nagorno-Karabakh and we fervently hope that something will result. Draft agreements have been reached on terms of reference for a CSCE monitoring mission to be set up in the area, once the cease-fire is established. A team of experts will be dispatched as soon as possible to prepare for the monitors.

Of course, without a cease-fire, there will be no monitor mission at all and all parties have been strongly urged to exercise restraint and avoid any military action that might threaten this fragile bit of hope for a negotiated settlement.

In Georgia, unfortunately, hostilities are continuing. A cease-fire in South Ossetia negotiated last June is still holding, but tensions are reportedly rising there. As for the war in Abhazia, Abkhazia—is that right?

Co-Chairman HOYER. Those words are all supposed to be in my statement, but I said I couldn't pronounce them, and asked that they be put in yours.

Chairman DECONCINI. No wonder you didn't start off this hearing.

The war in Abkhazia shows no signs of winding down and no serious negotiation between the contending sides are in progress. Moreover, the involvement of fighters from the North Caucasus on the side of the Abkhaz raises concerns about further deterioration of stability in the region and the role of Russia in this conflict.

Our witnesses have the background to help us understand this. We are indeed grateful that Ambassador Maresca is here today and I understand he has time constraints. Ambassador, I know how hard you work.

Before we hear from you, I will yield to the Co-Chairman who has taken a real interest in this issue and has traveled there on his own.

Congressman Hoyer?

Co-Chairman HOYER. Thank you very much, Mr. Chairman.

Ambassador Maresca and our other witnesses, I want to welcome you on behalf of myself and the other Members of the Commission, and join the Chairman in that.

The prevalence of conflicts between proponents of self-determination and governments insisting on territorial integrity has made Trans-Caucasia both an object of anxious attention and a warning sign. Sadly, this region, at long last independent, has become synonymous with ethnic conflict, territorial disputes, and instability.

The results have been terrible in human cost. At the beginning of 1992, news reports estimated that 2,000 people had been killed in the Nagorno-Karabakh conflict. Today, the standard figure cited in newspapers is 3,000, but it is believed that the real numbers are probably far higher. It is equally difficult to ascertain how many casualties have been caused in conflicts in Georgia since 1990. But certainly well over 1,000 have died in that troubled land. Many more have been wounded, and hundreds of thousands have been made refugees all over Trans-Caucasia.

Some have argued that the natural condition of the region is war, and only the imposition of a peace that stifles expressions of national identity can ensure stability. I would not, as I hope most in this room would not, like to believe that. And furthermore, I'm not prepared, and I hope my country, and I hope the international community are not prepared to accept that. But the newly independent states must safeguard their independence by finding a way to deal respectfully and responsibly with the national minority issue and resolve outstanding differences.

Certainly, in human terms, it would be best to do so quickly. It has now been over five years since the latest phase of the Nagorno-Karabakh conflict erupted. It must soon come to an end through negotiations leading to peaceful settlement. We harbor the same hopes for the Georgian-Abkhaz conflict. If CSCE negotiations can bring these crises to a resolution, the high expectations of many regarding the CSCE's role in the post-cold War world will be validated, and the example of successful negotiation will serve as a model for other conflicts in the former USSR and Eastern Europe.

Otherwise, the bloodshed continues indefinitely, the danger of a larger war becomes more real, or an external power attempts to reinstate an iron grip on the region in the name of restoring peace. None of these options are sought by the protagonists. But nevertheless, they could materialize.

I have not had the opportunity, as I believe the Chairman has, of visiting Nagorno- Karabakh. I have visited Armenia, and I have been to Yerevan. I have not been to Baku. I have been to most of the other countries of that region, however. I know first-hand the deep-seated, centuries-old animosities, hatreds, and prejudices that exist.

There will, hopefully, come a time in the history of mankind when prejudice, ethnic divisions and national differences will not lead us to kill one another. Unfortunately, thousands of years of history do not give us much sense of hope. But if there is to be a new world order, it will be based upon the commitment of the international community to exercise all of the resources at its command, to ensure respect for international borders and the peaceful resolution of disputes.

I look forward, as I said, Mr. Chairman, to hearing Ambassador Maresca. Few people in the world are more knowledgeable about the CSCE process, or have contributed more to its success than Ambassador Maresca. Those of you who have perhaps not read his book outlining the genesis of CSCE would be advantaged by doing so. And we are advantaged by having him present here today.

Ambassador, we know you finagled your schedule around and we appreciate it very much.

Ambassador MARESCA. Thank you very much, Mr. Chairman.

Chairman DECONCINI. Thank you, Chairman Hoyer.

We're very pleased to welcome Senator Grassley to the Commission on Security and Cooperation in Europe. I know he's taken an active interest in this region throughout his entire career. He's travelled with the Commission on a number of missions overseas and I'll yield to the Senator from Iowa for any opening statement.

Senator GRASSLEY. Mr. Chairman, I'm not going to make an opening statement. I just want to say that I appreciate very much being appointed to the Helsinki Commission and to work with you. I had you and Congressman Hoyer invite me to participate in other ways in the past. I look forward to working in a more formal way with you and feel that you've done a great deal of good under your leadership. I look forward to continuing this work as we try to work for the cause of peace in the post-Cold War world. Thank you.

Chairman DECONCINI. Thank you, Senator Grassley.

Ambassador Maresca is no foreigner here to this Commission. He's participated in, and headed delegations. He's held numerous posts in security and European Affairs, including Deputy Assistant Secretary of Defense for Europe and NATO policy. The Ambassador is also an expert on CSCE. He is currently the U.S. Special Negotiator in the CSCE Conference on Nagorno-Karabakh as well as special coordinator for Cyprus.

Ambassador, thank you for adjusting your schedule to be with us. Your testimony is extremely important for this Commission's record and for our own knowledge.

TESTIMONY OF AMBASSADOR JOHN MARESCA, U.S. DEPARTMENT OF STATE

Ambassador MARESCA. Thank you, Mr. Chairman. And thank

work in the CSCE. I do have a formal statement which I will submit for the record.

Chairman DeConcini. It will be so printed in the record.

Ambassador Maresca. Thank you, sir.

I thought what I would do, if you permit me, is to summarize a bit of that statement and to add some thoughts of my own.

Chairman DeConcini. If you would, please.

Ambassador Maresca. First of all, let me say that this is a cruel and little-known war, and I very much welcome this opportunity to discuss it with you and to discuss what the United States has been doing and hopes to do to try to help to bring this conflict to an end. The United States' objectives from the very beginning of our efforts have been directed solely toward trying to find a peaceful solution to the conflict, and that continues, I think, to be our number one objective.

Let me say that this is a conflict on which there are two mutually exclusive views of exactly what it consists of. For one side, it is a question of self determination, and the people of Nagorno-Karabakh have expressed themselves and have the right to that self determination. For the other side, it is a question of the territorial integrity of the state of Azerbaijan and Nagorno-Karabakh is simply a region within that state, which has full sovereignty. And there is no question of some internal self determination within that state. These conflicting views of the conflict underlie all of the problems that we've had in the negotiating process and still are what lies between us and a peaceful settlement.

The CSCE negotiating process started about a year ago when the CSCE foreign ministers decided to create the conference on Nagorno-Karabakh. The conference had a much more limited membership, including the United States, Russia, Turkey, and some other countries who had decided to participate. Those include, of course, Azerbaijan and Armenia. The term Minsk Conference refers to the Conference on Nagorno-Karabakh. The reason is because Belarus volunteered to host the conference in its capital, Minsk. But in fact, the conference on Nagorno-Karabakh has never convened in Minsk because we have never succeeded in overcoming the preliminary conditions of the parties which would permit us to open the conference in Minsk.

In place of that, we have been negotiating in what has come to be known as the Minsk Group. These are preparatory negotiations and they have lasted since last spring, and have just concluded a session in Rome where we have tended to meet because of the fact that our chairman is an Italian politician. So, the terms Minsk Conference and Minsk Group, which are used throughout, refer to this group of the CSCE that has been conducting this negotiation.

We have been working on a package of agreements which are the key elements in a solution. They include, of course, a cease-fire, provision for international monitoring of the cease-fire, which would be provided by the CSCE, removal of barriers to normal trade and communications, and the opening of a negotiating process which would ultimately lead to a political solution on Nagorno-Karabakh itself. That is the package of agreements that we have been working on since last spring.

Over the summer, we conducted intensive negotiations in the Minsk Group, but these negotiations were stymied in September because of pre-conditions and our inability to find agreements which would bridge these pre-conditions. At that point, we began, and this was largely at the United States' initiative, we began a series of informal consultations, trying to reach agreement on the elements of a package which would permit us to continue the negotiating process and bring us to a solution.

We have come close to agreement several times. We've been closest in December and in January, and on each occasion, I was convinced, I must say, that we had actually reached an agreement. But in each case, it has immediately unraveled, on one occasion because of military events on the ground, and on the other occasion because of one side or the other being unable to join in the final compromises. Nevertheless, we are persisting.

I just returned from a session, another session of the Minsk Group in Rome last week, when we actually found again the beginning of an agreement. What we agreed on in Rome on this occasion was part of one important element in the package which I described, which is the terms of reference for a monitoring mission which would actually monitor a cease-fire. Now, the reason this is important is because it will, of Course, take a lot of activity, a lot of work, in order to gain and to organize this monitoring mission so that it is ready to deploy. It will have to be financed by the full CSCE and approved by the full CSCE and it is the first time that the CSCE will ever have sponsored a cease-fire monitoring mission.

This agreement on the terms of reference permits us to move ahead in organizing a monitoring mission for the cease-fire. But obviously, it is just one element of the package. And in order to give it real meaning, we will have to meet again and continue negotiations on the calendar, which would lead to a cease-fire and the removal of barriers to trade in the beginning of the Minsk conference and many other individual steps, without which this first step will have no meaning. We hope to continue these negotiations later this month and in April. And I hope that this first success will lead to other successes and make it possible to put together the whole package that I described.

There are, I think, a number of assets in this negotiating process which we need to preserve and to use. The first asset is that everyone concerned is at the negotiating table. We have developed procedures which permit even the participation in the discussions of representatives from Nagorno-Karabakh. This has not been easy but we have that now in hand, and it worked well in Rome last week and I hope that will continue. We also have a link through the CSCE to a monitoring operation. Now, there have been many initiatives on Nagorno-Karabakh sponsored by one country or another, but they have failed because of the inability to immediately introduce a monitoring or observing force for the cease-fire. Through this linkage with the CSCE we hope to be able to rectify that so that when a cease-fire is agreed, an international monitoring group can immediately take up positions.

Another advantage is that this negotiation is now linked to the CSCE and to the UN. It has been backed by the United Nations Security Council in two statements, and is now recognized as the

negotiating process which really has the lead in finding a solution. And finally, we have reached an agreement, and this is an asset. Anytime a negotiating process succeeds in reaching a single agreement, it is a big plus in its credibility and its ability to find the other necessary agreements.

Before I close, Mr. Chairman, and respond to questions or comments, I'd like to say a word about the implications of this conflict. Of course, it is a tragedy for the area, for the countries involved, for the people involved. And anyone who has visited the area, and I've been there myself several times, knows just how cruel, just how violent this conflict has been. But the implications are much broader than that.

For Russia, it is one of those conflicts on its southern border that threatens stability and which is either a negative, or hopefully, a positive model for resolving such disputes. For the region, I believe there is a very serious risk of escalation and spread of this conflict because of the interests of neighboring states and because of the escalation that we've already seen.

For the CSCE, of course, it is a real challenge. The CSCE has not succeeded in bringing one of these conflicts under control up until now. If the CSCE can do that in this case, then of course, it suggests that it can do it in other similar circumstances. If it fails, then of course, many other conflicts of this kind might go unanswered too.

And I think for the United States, it is also a challenge. We are, in this instance, trying to play a role in a legitimate international effort which is trying to eliminate the risk of conflict before it gets started, without getting ourselves involved on the ground in a military way. We have played a leading role in this process from the beginning, and I think that it is appreciated by all sides. As I said earlier, our one objective has been to find a solution and I believe that that has given us credibility with all of the parties to the negotiation. That, I think, is a tremendous asset for the negotiating process and for our country. I sincerely hope that these negotiations can be successful because of the risks which I've alluded to, in case we fail.

Now, having given those few words of introduction, Mr. Chairman, I would be happy to respond to your questions or comments about any phase of this conflict or our role in trying to find a solution to it. Thank you, sir.

Chairman DECONCINI. Ambassador, thank you very much.

I want to welcome one of the House Members, Ms. Eshoo from California. We welcome you here and I know you have a deep interest in this. You'll find this Commission to be extremely interesting, and maybe you can help us with some new directions in this effort.

I'd be glad to yield to you if you want to make any opening statement.

Ms. ESHOO. Thank you, Senator. I appreciate your warm welcome and it's a privilege to be seated near you and next to my colleague from the House, Congressman Steny Hoyer.

There are some that may wonder what brings me over here today. I see many faces in this audience that look exactly like my own family because you are. I am very proud of being half-Armeni-

an, half-high, and I represent many Armenians from the Bay Area community as well as within my own congressional district.

So, this is not just a matter of the heart and the family, but obviously, something that we as human beings, recognizing the suffering that is taking place, that we do all that we can to bring that to an end but also, a policy that would ensure that lasting. So, as we turn our attention beyond our own borders and all of the domestic issues that plague our nation, I am very pleased to be here today.

I am going to withhold making anymore comments. I just wanted to make those as introductory comments for those that may wonder what brought this new House Member over. And I look forward to working with you and the people from the community. I want to thank those that have come forward today to give their expert testimony. I believe that I might have some questions of those that are here as well. Thank you very, very much.

Chairman DeConcini. Thank you very much.

Ambassador, you mentioned some pre-conditions that you were able to resolve, or at least thought you had, and then things fell apart. Did they fall apart because those pre-conditions were not adhered to, including the cease-fire which was one of those you mentioned? What other pre-conditions were necessary and where do they stand today?

Ambassador Maresca. Well, there have been very many pre-conditions put forward by both sides, or by all sides.

Chairman DeConcini. Have you been able to put them aside for the most part or what?

Ambassador Maresca. I would say some have been put aside in our last negotiating round. But the reason, the real reason why the solutions have fallen apart have been because of events on the ground. My own view is that——

Chairman DeConcini. But you mean military events by that?

Ambassador Maresca [continuing]. Like military events, yes.

Chairman DeConcini. Which means the condition of cease-fire has never been met.

Ambassador Maresca. That's right, or restraint, I would say.

The point here is that both sides have to see beyond individual military events to their longer range interest in finding a solution and so far, they haven't been able to do that.

Chairman DeConcini. Well, I know you're an optimist or you wouldn't be here today or be in Rome last week, and go back again and again. What is your best judgment today? Do you think they're going to get a cease-fire? Has there been enough killing and devastation and everything else there to bring at least a cease-fire in time to talk? Or do you think this is just going to keep going on?

Ambassador Maresca. A very difficult question to answer. You're right that one must be hopeful and continue to try. But I think we also must bear in mind that this is a region which, when it was a part of the Soviet Union, was filled with weapons and ammunition of all kinds because of what the Soviets saw as a security threat in that area. The Caucasus was simply chock-a-block with weapons of all kinds.

So, the supply of weapons is there. The animosity is very strong. Feelings on this issue on both sides are very, very strong and I think that that will probably mean some fighting for some time to

come. Even if we reach a cease-fire, I assume that there will be incidents for some time to come. On the other side, I think one has to see that the economic situation is disastrous. Of course, it's worse in Armenia than anywhere else, but in Azerbaijan too, economic possibilities are blocked by the conflict and in both countries—they know this full well—that creates a pressure to find some solution. But I wouldn't want to be overly optimistic about it. I think that it is a very difficult problem and because of the deep animosity and the availability of weapons, the likelihood is that at least some fighting will continue.

Chairman DeConcini. Congressman Hoyer?

Co-Chairman Hoyer. I'm just going to ask two questions. We, unfortunately, have a time problem and I wanted my other colleagues to have an opportunity to ask questions and then get to our other guests. How would you describe the role of Moscow in the CSCE talks?

Ambassador Maresca. There are several roles of Moscow. Unfortunately these days, I think one can not very simply ascribe one policy to Russia. But the foreign ministry's policy, I think, is a straightforward one of trying to find a solution and we have worked very closely with them to do that.

The military, on the other hand, is very cautious about the Caucasus. They've had their own experiences there. I have spoken with the Deputy Chief of Staff in Moscow and he described to me with great bitterness, the experience of their soldiers going in there and being blamed for all the difficulties. There is also another feeling which is that Moscow is the former colonial master and that therefore, they should have nothing to do with the area, that they're not welcome there.

So, there are varying roles but what I can tell you is that we have, from the beginning, sought Russian cooperation as well as Turkish, because these are the two regional powers who have great influence there. And we have sought to find a middle path which would gather support not only from Russia, but also from Turkey and the two countries involved. This is not an easy thing to do because there is confusion in the area. Governments are new and it's rather a labyrinthine course that we have to follow, but that has been our effort from the very beginning.

So, basically, I would say that Russia has a lot of influence, can play a positive role, and as far as the negotiating process is concerned, they have definitely played a positive role.

Co-Chairman Hoyer. What are the implications, Mr. Ambassador, of President Yeltsin's suggestion or request that Russia play the role of guarantor of sort of pax Russica in the region?

Ambassador Maresca. Well, I personally don't much like the idea of guarantor powers in this area at all. We've had experience with guarantor powers and of course, when you give a guarantee, you have to be prepared to enforce it later. I think it would be a mistake to have any outside power have that prerogative in this area, whether it would be Russia or for that matter, ourselves, or any other country. I just think that's a bad idea. The situation is dangerous enough as it is. If outside powers were involved, I think it would be that much more dangerous and that's, I think, what the notion of a guarantor power leads you to.

Now, what I can conceive of is some kind of political guarantee by the international community of a given status, if one is eventually agreed. For example, the CSCE could approve of a final result, which would give a kind of international community guarantee of whatever the final result was. But that's a different notion from the one that we've heard so far of a kind of guarantor power or powers, which implies, as I say, some enforcement prerogative.

Co-Chairman HOYER. Last question. I said two, but let me ask one more.

You mentioned Turkey and Russia. What about Iran? Does Iran have any role? Would it be useful? Are they inclined to be useful or positive? Do they see themselves benefitting from continued conflict?

Ambassador MARESCA. Well, certainly, Iran is interested. It is a power in the region. It's just over the hill, so-to-speak, from this area and has relations with both of the states involved. They have been interested in playing a role, in finding some kind of a solution, for some time and have sponsored at least one cease-fire agreement. I might say, like all the other cease-fire agreements, it fell apart immediately. But nonetheless, they have sponsored one and have constantly shown an interest.

They are not a member of the CSCE and therefore, they have had nothing to do with our negotiating process. But I think one has to recognize that they have an interest and influence in the area. And as it happens, the Italian chairman of the Minsk Group has occasionally kept them informed of the process and how it's developing, on the grounds that it's better that they understand it and are aware of whatever success we're making.

I would also add that Iran is not viewed as a wholly, impartial, disinterested state by the states in the region. There is a considerable amount of suspicion of their motivation by the states in the region and for that reason, I think, direct involvement by Iran, at this point, would not be a beneficial addition.

Co-Chairman HOYER. Thank you, Mr. Ambassador. Thank you, Mr. Chairman.

Chairman DECONCINI. Senator Grassley?

Senator GRASSLEY. If a monitoring mission would be set up by the CSCE, how would the command and control of the mission be determined? I assume that we don't have any precedent for this, and has the thinking gone far enough so you can answer the question?

Ambassador MARESCA. Yes, Senator, you're right that we have no precedent. On the other hand, we have a certain number of parallels and a lot of thinking has gone into this. And in addition to that, there is an agreement from last summer which sketches out how a CSCE monitoring operation would be run. And essentially, it puts any such operation under the control of the CSCE Chairman in office. The Chairman in office rotates and at the present time it is Sweden. So, we assume that our monitoring operation will be under the control of Sweden.

Now, how that chain of command will run exactly has not been worked out, but it will be an international group. The commanding officer in the field has already been chosen. He is Finnish, a Finnish military officer, and I assume that he will be reporting to a

more senior military officer who will be Swedish, who will be responsible to the CSCE Chairman.

Senator GRASSLEY. Would the mission be set up for an indefinite period of time or would it have certain timetables established, or maybe this is too early to tell?

Ambassador MARESCA. We've done advanced thinking on this. It's not agreed but here again, our working assumption has been that we would send a group out there for a six month period, but under the assumption that they probably would have six month renewals. Six months is a kind of a minimum period below which, it's not economically sensible to send a group out and set them up.

So, our assumption has been that there would be a six month period and that the likelihood is that it would be renewed again at six month intervals, for as long as it was needed, which might be for some years.

Senator GRASSLEY. Thank you, Ambassador.

Chairman DECONCINI. Ms. Eshoo?

Ms. ESHOO. Yes, thank you, Mr. Chairman.

Mr. Ambassador, there may be, built into this question, the mark of the newcomer, but I am going to ask the question anyway. It is my understanding that the Minsk Group agreed on draft terms of a reference for a monitor mission and that the terms need formal Helsinki Commission approval which might come at the April meeting of the committee of senior officials.

Can you tell me what the draft terms of reference are?

Ambassador MARESCA. Yes. The draft terms of reference describe the tasks of a monitoring mission and this is why they have been so difficult to negotiate between the parties to the conflict. Each one of the tasks that they would have to accomplish is loaded with advantages or disadvantages for one side or the other.

For example, one of the tasks would be that they would bring under control heavy weapons systems, such as artillery, tanks, APCs, aircraft, helicopters. And the sides have different advantages depending on which weapons systems you're talking about. Azerbaijan has more airplanes, for example. Both sides have helicopters. There are also advantages in terms of geography. Nagorno-Karabakh is up in the mountains, surrounded by a fairly flat hinterland controlled by Azerbaijan.

So, each side, of course, is looking at its advantages when discussing the control of heavy weapons. So, each one of these tasks as it was negotiated was a loaded political question. But basically, the tasks for this group would be to monitor movements and activities of heavy weapons to see that they were under control and not being used, to supervise the delivery of humanitarian assistance, to ensure that the barriers to normal trade and communications were being lifted, that sort of thing. This is what we're talking about and that would be what they would monitor, but not accomplish themselves. The states themselves would accomplish these things and the monitors would just watch to ensure that it was taking place.

Ms. ESHOO. Thank you. In terms of your being at the table and part of all of this, I think that maybe this is a little awkward to ask but it really, I think, goes to the heart of the issue. And that is, we're not talking about setting up trade relations between two na-

tions. We're talking about a people that are literally freezing to death. So, as we talk about monitoring weapons, as important as it is, it seems to me that when people are suffering the monitoring of weapons almost becomes secondary. Freezing people and dead people can't use the weapons that are going to be monitored.

So, my question to you is, how can we separate out the issues that you have been eloquent in describing, but also raise the issue of humanitarian aid which is difficult to provide for people that have been blockaded and shut off. I mean, that's really what brings me here. I think that that's really what's at the heart of the issue.

What is it that you would recommend to the Helsinki Commission, to members of Congress, and to the President of the United States, that presents itself as an opportunity to do what I just described? And I understand that it is a difficult and complex issue because the underlying problems have endured for generations and that is what brings us to such a crossroads here today.

Ambassador MARESCA. Well, this is, I must say, one of the most fundamental questions in this whole complex of issues, no question about it. And it has been a primary concern for myself and I think for the U.S. government from the very beginning.

We have been very active in an aid program which I don't have all the details on here since it is something that is handled in another section of the Department of State. But it has been very active, and especially when energy sources were cut back. The U.S. government went into a major effort to try to get energy into the area. As you know, in the case of Armenia, it's very difficult because it's land-locked. We have had high level discussions with Turkey and also with Azerbaijan about opening up possibilities for energy to come into the area.

We have had some success. As you may know, Turkey agreed before Christmas to deliver electricity, and then problems arose also from a military situation, because of the military situation. But we have not relaxed because of that; we have continued. And I think that Armenia itself would tell you that the aid program has been very ample and effective. Unfortunately, energy is very difficult to supply by air. This is one of the primary problems that we have faced. And so, we have to find other ways to do it, but we have continued to do.

I think though that in spite of the problem, which has been a desperate one and I've been there and I know how desperate it is. In spite of that, one has to continue working on a long-term solution. And in this, I'll say that President Ter-Petrossyan has been very astute in his long-range view of what needs to be accomplished. Armenia must have normal relations with its neighbors because of its situation. And while an emergency program must be carried out when they face such a desperate situation, nonetheless, the long-term solution must also be sought and that means an end to the war.

Believe me, I have as much of a feeling for this issue, I think, as you do. And I have been, myself, affected very deeply by what I've seen. But I do think that the United States has worked very hard on this issue and continues to work hard on it. And I think people in the area who are knowledgeable about this would agree with that.

Ms. ESHOO. Thank you.

Chairman DECONCINI. Mr. Moran?

Mr. MORAN. Thank you, Senator. Let me follow-up on my colleague's question and ask you to look into the future, based upon your current observations.

Five years from now, how do you think the situation might have stabilized, or what is necessary to have stabilized in the long run? I missed some of your testimony, so I don't want you to be repetitive of what you've already shared with the Commission. But I suspect, because my conversations with other people who have intimately involved, is generally what we can do currently to avert more bloodshed.

But over the next five years, what would you see as—where do you think we will be? And where do you think we ought to be and how could we get there?

Ambassador MARESCA. Well, five years from now, I would certainly hope there was a political solution, which would mean also a resolution of the question of the status of Nagorno-Karabakh. I won't speculate on what that would be because I think that must be a part of the negotiating process, and that outsiders are in a difficult position to suggest what it should be.

But I would hope that it would be settled in a way that would be satisfactory to all the parties and would ensure that the rights of the peoples were respected.

Mr. MORAN. Well, Mr. Ambassador, that's a very idealistic statement, but that doesn't any new insight. Anyone would have answered that, but you have some first-hand knowledge. Give us a more realistic appraisal of what you think might happen, if you wouldn't mind?

Ambassador MARESCA. Well, I'm sorry I have to duck on this one. I really am. But I think I can not go into what might be the result of a negotiating process on this issue.

What I can say is this, that all the countries in that region, all the peoples in that region, have an interest in settling this conflict. Because without a settlement, economic development, the development of free systems won't happen. We have the good fortune of having freely elected governments both in Azerbaijan and in Armenia. Both countries are trying to move toward free economic systems. Both have enormous potential, Azerbaijan because of the oil and gas resources that they have; Armenia because its geographic position just puts it at the crossroads of all the pipelines and supplies that may cross from the Caucasus to the West.

They all have an interest in finding a solution. I would hope that five years from now, a solution will have come about that will permit all of this to take place. That is to say, democracies and economic development, but exactly what it would be, I'm not in a position to say.

Mr. MORAN. Let me take one more stab, if you don't mind. Do you think that there could ever be a stable peace in Nagorno-Karabakh, for example, without a physical lifeline connected to Armenia? Is that possible?

Ambassador MARESCA. Yes, I think there will have to be some internationally monitored supply routes. That's for sure. This is a purely practical issue. I don't believe that the people in Nagorno-

Karabakh will agree to a final settlement unless they have some assurances in this respect. And so, what they would be exactly, I don't know, whether they would be roads that were monitored, whatever. I just don't know. But whatever solution it would be would have to entail something in that line, otherwise, it won't work.

Mr. MORAN. But it's feasible to have a transportation network and a utility network that would connect Nagorno-Karabakh with Armenia and not be unacceptably violative of Azerbaijan's territory and sovereignty as well?

Ambassador MARESCA. Well, it's certainly feasible to have such links. I would hope though that given that amount of time, that it would be more feasible to get energy supplies, to get the normal supplies directly from the hinterland around them, which is Azerbaijan, rather than be totally dependent on Armenia. I think that's the normal situation. It always was the normal situation. This is an area which supplies farm products, for example, to the rest of Azerbaijan. This has been their economic livelihood. And I would hope that that kind of a normal situation would be restored and not just isolated routes to Armenia. I don't think it should depend on that, ultimately.

Mr. MORAN. Well, that's what I was getting at. Whether you think it's possible to establish that again. That's the answer I was looking for. Thank you, Mr. Ambassador.

Thank you, Mr. Chairman.

Ambassador MARESCA. Thank you.

Chairman DECONCINI. Ambassador Maresca, thank you very much for your testimony today. Needless to say, the Commission is deeply interested in this subject matter and we appreciate you offering to keep our staff and our members apprised of what's going on. We wish you every success. Thank you, sir.

Ambassador MARESCA. Thank you, Mr. Chairman.

Chairman DECONCINI. Let me call the next witnesses, if I may. Ambassador Hafiz Pashayev is the first Ambassador of the Republic of Azerbaijan to the United States. A physicist by training, the Ambassador was a professor at Baku State University and a member of Azerbaijan's Academy of Science. He also studied for a year at the University of Ervine in California.

We also have Mourad Topalian. He is the Chairman of the Armenian National Committee of America, which has regional offices throughout the United States and affiliates all over the world. Mr. Topalian has been an assistant professor of political science at Kent State University. He's a businessman and has also served as a consultant to Presidential, Congressional, and other high level political campaigns.

Mr. Ross Vartian is the executive director of the Armenian Assembly of America. He has also been chairman of the Armenian Refuge after the 1988 earthquake. In Armenia, Mr. Vartian was named chairman of the interaction Armenian Reconstruction Task Force which organized the relief and the development.

Mr. Paul Henze served for almost 30 years in various U.S. government and governmental-related organizations, including Radio Free Europe, Radio Liberty, Department of State and Defense, in the American Embassies in Turkey and Ethiopia. He is a resident

consultant at the Washington Office of the Rand Corporation, specializing in Central Asia and the Caucasus which he visited, I understand, just in late 1992.

Gentlemen, because of the time here, we would ask that you summarize your statements, if you would, and we will start with Ambassador Pashayev.

Ambassador?

Ambassador PASHAYEV. Thank you.

Chairman DECONCINI. Welcome.

Ambassador PASHAYEV. Let me introduce to you Mr. Pearlus Parlout.

Chairman DECONCINI. Who is it?

Ambassador PASHAYEV. Who is standing with me. He will help me in case I have some difficulties, language difficulties.

Chairman DECONCINI. Very good, sir. Excellent.

TESTIMONY OF HON. HAFIZ PASHAYEV, AMBASSADOR TO THE UNITED STATES FROM THE REPUBLIC OF AZERBAIJAN

Ambassador PASHAYEV. Good afternoon. My name is Hafiz Pashayev. I am the Ambassador to the United States for the Republic of Azerbaijan. I wish to thank the committee for inviting me to participate in today's discussions of the situation in Nagorno-Karabakh.

Mr. Chairman, I have been in my post in Washington less than one month. This testimony is by far the most important responsibility that I have had in my brief tenure. In view of its importance to my country, I would respectfully request that I be permitted to deliver my 8-page statement in its entirety.

Chairman DECONCINI. Ambassador, we will grant you that. We have a time constraint here.

Ambassador PASHAYEV. OK.

Chairman DECONCINI. The full statement will appear in the record. We have a time constraint here as to how long members can stay. We are interested in hearing from all of them.

So, if you can do that as rapidly as possible, please, or pick out the major paragraphs that you think are absolutely necessary. Please proceed.

Co-Chairman HOYER. Mr. Chairman?

Chairman DECONCINI. Yes.

Co-Chairman HOYER. Ambassador, are there possibly copies, English translation copies, of your statement as you read it, that we might follow?

Ambassador PASHAYEV. Sure, there are.

Co-Chairman HOYER. Could we have copies as you read it, so that we can follow along with you, sir?

Ambassador PASHAYEV. Sure.

Co-Chairman HOYER. Please proceed, Ambassador.

Ambassador PASHAYEV. As most of you know, a tentative agreement was recently reached during the CSCE-sponsored talks in Rome. This agreement provides that foreign observers will monitor compliance with a cease-fire arrangement between the Republics of Armenia and Azerbaijan.

This agreement is truly a welcome development. All of the fighting in this long and terrible conflict has taken place on Azerbaijani soil and the territory on which these observers will be deployed is the soil of the Azerbaijan people. From the outset of the talks, Azerbaijan has sought, not merely accepted, such a deployment. This position is one of the many demonstrable steps that are clear evidence of our desire for a peaceful resolution of this conflict.

Azerbaijan has also endorsed the disarmament and disbanding of uncontrolled armed groups, the disengagement of forces, the control of heavy weapons to preclude their use, as well as the other provisions of the terms of reference. We hope the steps taken toward peace in Rome bode well for the people of both Azerbaijan and Armenia, for the region, and for the world.

But before assessing this development, I ask that you bear in mind three points on which I will elaborate later.

One, this conflict is over territory and is not based on differences between religions.

Two, international law as it applies to this conflict is clear. internationally recognized borders can not be changed by force of arms.

Three, the so-called blockage by Azerbaijan is a red-herring. A Country under attack by another should not be expected, and may not even be able to trade with its attacker. I will to turn to these points in a moment.

The conflict over Nagorno-Karabakh is about neither religion nor minority rights. Azerbaijan is a Western-style secular democracy. It is the first of the independent republics of the former Soviet Union to enact legislation guaranteeing full civil rights, including religious, ethnic, linguistic, cultural, and political rights for all its citizens. More than 70 ethnic groups live in Azerbaijan, including Russians, Armenians, Jews, Kurds and others.

The rights of all of them are protected. Azerbaijani President Abulfez Elchibey's lifelong Commitment to democracy cost him three years in Soviet prison. He is committed to complete implementation of legislation providing full cultural autonomy for all minorities everywhere in Azerbaijan.

No, the true nature of the conflict over Nagorno-Karabakh is territorial. The roots of this conflict, both historical and immediate, lie in ultra-nationalistic impulses of powerful extremist movements to expand Armenia's current borders at the expenses of its neighbors. All international laws respecting the territorial integrity of sovereign states are being violated.

At the end of the World War I, the Versailles Peace Conference recognized the independent states of Azerbaijan, Armenia and Georgia. This same Versailles Conference also recognized that Karabakh, along with Nakhichevan and Zangezur, were integral parts of Azerbaijan. The international community has always recognized Karabakh to be an integral part of Azerbaijan , and has never recognized it as either a part of Armenia or as an independent Armenian state.

Nagorno-Karabakh remained a part of Azerbaijan even after the Democratic Republic of Azerbaijan lost its independence in 1920 when it was forcibly incorporated into the Soviet Union. Zangezur, on the other hand, was carved from Azerbaijan by Joseph Stalin

and ceded to Armenia. This left the larger part of Azerbaijan completely separated from Nakhichevan, another area of Azerbaijan.

Both the old constitution of the former Soviet Union and the new Treaty of the Commonwealth of Independent States have recognized Nagorno-Karabakh's legal status as an integral part of Azerbaijan.

Attempts to change this legal status by declarations of secession by ethnic Armenians or armed conflict are in open and direct violation of the Commonwealth Treaty into which Armenia freely entered. (By the way, Azerbaijan is not a member of the commonwealth.) Moreover, they are in violation of the UN Charter, UN resolutions, and the internationally recognized principles set forth in the Helsinki Final Act, adopted by the CSCE. The Helsinki Final Act rejects the threat or the use of force against the territorial integrity and political independence of any state. With the collapse of the Soviet Union, both NATO and the Helsinki signatories declared the existing borders of the republics of the former Soviet Union should not be changed by the use of force.

Today, regular and irregular Armenian military forces occupy large portions of Azerbaijan. These forces continue to seize Azerbaijani villages in addition to the 250 towns and villages they already occupy. Of these, 56 had preponderantly Azerbaijani populations, all of which were expelled in ethnic cleansing operations. Indeed, all of the fighting has taken place on Azerbaijani territory.

In contrast, Azerbaijani forces do not now, nor have they ever, sought to occupy one inch of the territory of Armenia.

These actions by Armenian and Armenian-backed forces have created over a half-million Azerbaijani refugees. Approximately 300,000 Azeri, ethnic Russian, Kurdish, and other citizens of Azerbaijan have been driven from their homes in Azerbaijan (including 60,000 from Nagorno-Karabakh) to become refugees in their own country. In addition, 200,000 ethnic Azeris have been driven from homes and farms they and their forebears occupied for generations in Armenia. They are now refugees in multi-ethnic Azerbaijan. While significant numbers of Armenians continue to reside in Azerbaijan as citizens of Azerbaijan , Armenia has been emptied of Azeris.

Armenian militants are also continuing their blockage, first imposed in 1989, against the Azerbaijani territory of Nakhichevan which is separated from Azerbaijan by Armenian territory.

In response to continued aggression against its citizens and territory, and to the blockage of Nakhichevan, Azerbaijan has been forced to suspend economic ties with Armenia. The term, "blockade," when used to describe Azerbaijan's action, completely obscures an obvious fact. an invader can not expect that those who are invaded will conduct trade and commercial activities with the invader on a business-as-usual basis. Azerbaijanis ought not to be expected to collaborate in their own destruction. In any case, of all the means available to meet Armenian aggression, the suspension of economic ties is by far the most humane. Consider, for example, that Azerbaijan has not launched counter offensives to seize Armenian territory to alter the military balance.

Azerbaijan has permitted humanitarian assistance to reach Armenia, but it has been discovered that such assistance, rather than

going exclusively to the relief of civilians, is instead being used by Armenian forces occupying Azerbaijani territory. Even as the most recent round of talks in Rome were about to begin, Armenians attacked and seized 18 additional villages and killed scores of Azerbaijanis. Among the Armenian forces were elements of Russian Seventh Army.

Indeed, the history of Russian involvement in this conflict has been, to say the least, troubling. As the Soviet Union was in its final stages of dissolution, Moscow stationed troops in our capital, Baku, imposed martial law, and prevented democratic elections from taking place.

Yet, no such restrictions were place don Armenia. While Azerbaijan remains sealed off from contact with the rest of the world under the weight of Soviet martial law, Armenia was purchasing weapons on the world market and obtaining weapons from Soviet troops still stationed there. Russian troops were also involved in the worst atrocity to take place in this conflict. The 1992 massacre by Armenian militants of about 1,000 Azerbaijan civilians from the town of Khojaly.

Today, as always, the people and government of Azerbaijan remain convinced that neither side can win this war. The hostilities in Nagorno-Karabakh have already taken far too great a toll in human suffering and misery from both sides. The people of Azerbaijan welcome the progress made in Rome toward stopping the bloodshed. Azerbaijan stands ready to resume commercial, transportation and communication ties as part of the cease-fire arrangements and prior to the resolution of the status of Nagorno-Karabakh. We look forward to the international conference in Minsk that will resolve the status of Nagorno-Karabakh in a way consistent with international law. Peace will come not through force of arms. It can be achieved only through a negotiated settlement based on guarantees of basic human rights and respect for the principles that the territorial integrity and international borders of sovereign countries can not be changed by force of arms.

The United States, not only as a CSCE member, but also as the world's sole remaining super power, has a particular responsibility to look soberly, unsparingly, and with impartiality at the facts and history of this issue. Passions inflamed by ethnic partisanship should not be allowed to obscure them, irrespective of their source.

The provision in the Freedom Support Act that singles out Azerbaijan among the 12 Republics of the former Soviet Union for special sanctions is inconsistent with this responsibility to be impartial. Moreover, U.S. House Resolution 86 one-sidedly condemns the Republic of Azerbaijan and works against the ability of the United States to be an impartial peace mediator.

A peaceful, prosperous future beckons to both Armenia and Azerbaijan. If it is to be realized, this conflict must be resolved peacefully. Impartial, vigorous encouragement by the United States will be a necessary condition for its resolution. But a skewed involvement will almost certainly fuel intransigence. In all likelihood, this would doom prospects for a settlement and for the promising future that awaits this region.

Thank you, Mr. Chairman.

Co-Chairman HOYER. Mr. Ambassador, thank you very much for your statement and for your perspective with us today. We appreciate you rearranging your schedule to join us.

I'd now like to recognize Mr. Mourad Topalian, who is the Chairman of the Armenian National Committee of America.

Mr. Topalian, thank you for being with us, sir.

TESTIMONY OF MOURAD TOPALIAN, CHAIRMAN, ARMENIAN NATIONAL COMMITTEE OF AMERICA

Mr. TOPALIAN. Mr. Chairman, Members of the Commission, my name is Mourad Topalian. I am the National Chairman of the Armenian National Committee of America. The ANCA is a grassroots political organization with a network of chapters and affiliated community organizations throughout the United States. Through its Washington and regional offices, the ANCA organizes nationwide political action on issues of concern to the Armenian American Community.

Mr. Chairman, the ANCA appreciates this opportunity to testify before the CSCE and is pleased that this body is focusing so much needed attention on the critical situation in the Caucasus. Mr. Chairman, with your permission, I would like to submit for the record, my written testimony in its entirety, and summarize the main points.

Co-Chairman HOYER. Without objection.

I would ask members of the staff, do we have copies of Mr. Topalian's statement?

We do have copies of your statement, yes.

Mr. TOPALIAN. Along with my testimony, I would like to submit for the record, a report on the situation in Karabakh prepared by the Geneva office of the Human Rights Advocates.

Co-Chairman HOYER. Without objection.

Mr. TOPALIAN. Mr. Chairman, the CSCE meetings in Rome have just concluded and we have just heard the report. While we have yet to formulate a comprehensive analysis about the results of these sessions, we have been informed by the Armenian delegation and Mr. Maresca that the outcome is generally positive. However, while hopeful that the agreements produced in these meetings will enable the convening of the Minsk conference, we are remindful of past difficulties and remain cautious about the results.

Therefore, this hearing is very timely, as our task today is to explore possible avenues to facilitate an equitable and lasting solution to the conflict. While it begs to be replied to, I am not, at this time, going to list a litany of atrocities and human rights abuses that have occurred. That would fill too many pages and take too much of our time. I would just like to point out a recent event that may have gone unnoticed.

Saturday, according to AP writers and a number of news wires, in a predominantly Lezghi populated city in northern Azerbaijan 75,000 Lezghies, who are citizens of Azerbaijan, were demonstrating because 1,500 young Lezghi men were being forced into the Azerbaijani army to go to Nagorno-Karabakh and fight against Armenians. The Lezghies were demonstrating their forced involvement in an issue to which they were opposed. The Azeri army responded

by opening fire on the crowd leaving at least six dead, according to press reports, and many more wounded. Hence, any discussion concerning human rights violations and other past abuses, could be limited to recent events. We don't have to go very far beyond the present to find examples of such abuses. Enough said.

Look at the sources of the conflict. Karabakh, and the larger surrounding lowlands have been part of Armenia for more than two millennia and this part of the region has been primarily inhabited by Armenians since ancient times. In 1921, after the joint Turkish and Soviet takeover of the lower Caucasus, Karabakh was arbitrarily transferred by Joseph Stalin, to Soviet Azerbaijan's control, thereby creating artificial fragmentation in the region.

During the 70 years that followed, Karabakh existed as an autonomous Soviet district in which the cultural, economic and civil rights of Armenians were guaranteed by the Soviet and Azerbaijan constitutions. However, despite those guarantees, while under the control of Azerbaijan, the Armenians of Karabakh were subjected to widespread discrimination and routine denial of those same guaranteed rights. During that period, the Armenian majority in Karabakh, which according to most estimates ranged from 85 to 90 percent in the area, repeatedly petitioned the central government in Moscow to address the inadequacies of Azerbaijani rule. Unfortunately, these grievances were ignored. Despite Moscow's unwillingness to address these grievances, the people of Karabakh remained dedicated to the pursuit of their constitutional and human rights.

In 1988, the people of Karabakh responded to this pattern of persecution by opting for self-determination. The Azerbaijani leadership responded by instigating a series of pogroms against the Armenian communities in Azerbaijan. From 1988 to 1990, large numbers of Armenian civilians in Sumgait, Baku, Kirovabad, and other Azeri cities, were murdered by organized gangs assisted by Azerbaijani police. The confiscation and destruction of homes of Armenians in Azerbaijan forced a half-million citizens of Azerbaijan to flee to safety in either Armenia, Russia, or the West.

Further exacerbating the situation, in 1988, Azerbaijan began a devastating economic blockade of Armenia and Karabakh. The Azerbaijani blockade has been condemned by the U.S. Congress, President Bush, and President Clinton, and just last month by the European Parliament. Taking into account decades of enduring human rights violations, repeated pogroms and deportations, the leadership of Karabakh concluded that promises of cultural autonomy, with only Azerbaijani guarantees, were not a viable, long-term solution.

As a result, the people of Karabakh exercised their right of self-determination and opted for independence. By choosing independence, the Karabakh leadership acted responsibly in accordance with the Soviet Constitution under which they were living at the time. Independence rather than reunification, was indeed the most responsible solution in the interest of peace, a point which should be appreciated by the powers in the region.

Now, let us consider the role of Turkey. Mr. Chairman, one must also emphasize with regret, that the Republic of Turkey has contributed to the lack of stability in the region by pursuing a policy

of active favoritism toward Azerbaijan, needlessly delaying relief supplies destined for Armenia and procrastinating in the establishment of normal diplomatic relations with Armenia.

Mr. Chairman, there are many examples of Turkish interference with humanitarian aid. My written testimony details the specific instances. Obviously, such actions do not promote good neighborly relations with Armenia. Furthermore, they do not support the assumption of a positive role that the United States would expect of its ally, Turkey, to play in the region.

Mr. Chairman, let me point out that with the exception of Israel and Egypt, over the last 40 years, Turkey has received more U.S. foreign aid, grants, and military assistance than any other nation in the world. This is an investment the American taxpayer has made in Turkey. We strongly believe the same taxpayer has a right to expect Turkey not to interfere with clearly marked American humanitarian aid. Furthermore, we should demand that Turkey refrain from fueling Pan-Turkic emotions in Azerbaijan and elsewhere and playing host to extremist elements within the region.

Turkish technical and personnel support for Azerbaijan's military has also served to embolden the Azerbaijani leadership to continue its commitment to enforce a military solution to this crisis. In an era when the international community is attempting to demilitarize the former Soviet states, Turkey continues to build up, and Azerbaijan with the assistance of Turkey, is building a military machine at an alarming rate. This policy is inevitably leading to a regional arms race, which once again leads to the question, why at the time when the U.S. is promoting the reduction in military arms is Turkey purchasing massive amounts of Russian military equipment? Especially given the fact that its military force is built on NATO systems. The result of such a policy will be the escalation of turmoil in this sensitive region.

On the diplomatic front, Turkey and Azerbaijan have damaged the prospects for peace by their repeated refusal, as a CSCE member, to allow the full participation of the people of Karabakh in the peace process. Contrary to the Turkish and Azerbaijani position, it has become increasingly clear to the international community that peace in the region cannot be achieved without the meaningful participation of the elected representatives of the people of Nagorno-Karabakh.

The active involvement of Turkey has caused predictable anxiety among the regions other powers. In May of last year, Turkish President Turgut Ozal intimated that Turkey should invade Armenia in order to "scare them a bit." President Ozal's highly charged rhetoric prompted Russia's Commander in Chief, Yegivny Shaposhnikov, to ominously state that Turkey's intervention in the conflict would be the catalyst for World War Three.

Let us consider, next, the role of Georgia, which is also being drawn into the conflict. The Republic of Georgia, which is rife with civil strife, has been warned by Azerbaijan that it must discontinue rail and fuel traffic to Armenia if it wants to continue to receive oil from Azerbaijan. This constitutes economic blackmail. Far more disturbing, however, is the fact that over the past 6 weeks the natural gas pipeline from Georgia to Armenia, the last operating fuel link to Armenia, has been blown up four times. In each case, the

explosions occurred in the Azeri populated region of Arnueli, to continue the attempt to freeze out the Armenian people.

These events, which I have described reveal Azerbaijan's intention of inflicting economic disaster in Armenia and Nagorno-Karabakh as a means of bringing about a peaceful resolution. To assume that conditions will deteriorate that far that they'll be forced to the peace table, is the most short-sighted analysis of human nature I have ever, ever heard of. To think that a people can watch their children and grandparents dying from starvation and exposure, and then turn around and in a trusting way, sit down and negotiate is very short-sighted.

Before that economic collapse, we need to come to a negotiated settlement because if an economic collapse comes about, those people will never forget, just like they have never forgotten the Turkish genocide and the emblem that has on the Armenian psyche. This will, again, reinforce the imagery that the Armenian people have in that area. Sumgait, Baku, all of those, they reinforce that imagery that Turks and their friends do not want Armenians there, period. If we let this economic collapse continue in Armenia, not only democracy will stop, but you will have very violent repercussions for years and years to come, in my opinion.

Co-Chairman HOYER. Mr. Topalian, I know you feel strongly and I appreciate your statement——

Mr. TOPALIAN. I'm sorry. I shouldn't have digressed.

Co-Chairman HOYER [continuing]. The only problem we have is time. Members are going to have to leave and I want to give full opportunity for the other two witnesses to testify as well. We took a long time with Ambassador Maresca. We want to hear you as well, and the others.

Mr. TOPALIAN. OK. Shall I skip forward to possible solutions? Would you rather——

Co-Chairman HOYER. That would be fine. We are including your full statement in the record. Yes, possible solutions would be excellent.

Mr. TOPALIAN. OK.

The international community can not expect to foster stability in the Caucasus under the current circumstances. Political and economic uncertainties caused by the blockade and fighting preclude, indeed endanger, the establishment of the stabilization effect of democracy and economic reform. Therefore, to restore lasting order in the region, the sources of the regional conflict must be dealt with in an equitable and realistic manner.

The most recent meetings of the CSCE in Rome has produced a more positive atmosphere, but not enough specifics. In spite of the positive flavor which has emerged from the talks, their success seems to rely on two future events: A, bilateral agreement or negotiation between Azerbaijan and Karabakh, and B, cessation of hostilities as a pre-condition to the April Minsk round. Therefore, we must wait and see if, indeed, Azerbaijan is willing to take the reasonable steps necessary to bring about positive results. The international community must make every effort possible to see that this becomes a reality.

The first step towards restoring peace in the region is to lift the Azerbaijani blockade of Armenia and Karabakh. Last year, the

United States Congress passed the Freedom of Support Act, restricting aid to Azerbaijan until the blockade of Armenia and Karabakh is lifted. As the devastation caused by the blockade continues to mount, the United States and its allies must seriously consider additional measures, including restrictions by international financial institutions on lending to Azerbaijan.

Another important step which must be implemented is the immediate transportation of humanitarian assistance to Armenia and Karabakh. In fact, the success of any peace initiative hinges on the full participation of the democratically elected officials of Nagorno-Karabakh in any peace discussions.

Further, the United States should abandon its policy of advancing Turkey as the intermediary in the region. Turkey, alone among the powers in the region, by virtue of its demonstrated bias in favor of Azerbaijan , is ill suited to play such a role. In order to ensure a lasting stability in the region, the cooperation of Russia and Iran, in addition to Turkey, are required.

Alternative ideas for resolution of this conflict should also be more thoroughly explored. One such possibility would be to hold an internationally supervised referendum on the status of Karabakh. The results of which would be binding on all the states involved in the conflict. Perhaps, the revitalization of the Morabin UN Trusteeship Council is another interim vehicle to assist in the resolution of this crisis. Another possible avenue toward peace could be a regional peace talk which, again, would include the participation of the United States and regional powers, including Iran as well as all parties in the dispute.

Mr. Chairman, there is a school of thought promoted by the previous administration, that the borders of the former Soviet Republics are not subject to review. Taking a position as categorical as the one stated, in our opinion, would be a serious mistake on the part of the United States. Insisting on such a position, Mr. Chairman, would be tantamount to the U.S. giving a stamp of approval to borders established by the Communist regime of Joseph Stalin. Knowing full well that since the death of Stalin, the Soviet government has itself, many times, altered borders. For the United States to help enforce the borders arbitrarily drawn by the Soviets to divide and control whole nations would be the ultimate irony in this, the last chapter of the Cold War.

The important thing, Mr. Chairman, is to improve on the existing artificial boundaries created by the Soviets that have, as evidenced by the events of the last few years, proven untenable. This is a noble challenge that the United States and the international community should accept. In the final analysis, Mr. Chairman, the real solution to the conflict will emerge when an atmosphere of goodwill prevails in the region.

We believe that despite the current tragedy, Armenia and Karabakh can peacefully coexist with Azerbaijan and make a powerful contribution to the economic resurgence in the Caucasus, benefitting all of the neighbors provided that Azerbaijan stop wasting its valuable resources on war and start the transformation of its economy, for the sake of all concerned. I think a perfect example of what can come out of the area is His Excellency, the Ambassador,

with his impeccable background in education and science. The talents of the peoples in the area are beyond belief.

Mr. Chairman, this concludes my testimony. The ANCA looks forward to working with you and the Commission on all these issues. Once again, I appreciate the opportunity to appear before the Commission today, and would be pleased to answer any questions.

Co-Chairman HOYER. Mr. Topalian, thank you very much for your testimony.

I'll now ask Mr. Ross Vartian, who is the executive director of the Armenian Assembly of America, and then Mr. Henze, we'll end with you. Perhaps you can place this all in context for us.

TESTIMONY OF ROSS VARTIAN, EXECUTIVE DIRECTOR, ARMENIAN ASSEMBLY OF AMERICA

Mr. VARTIAN. Thank you, Mr. Chairman. While I understand the constraint of time, I regret the necessity of limiting my remarks, but I assure you that I will take no more than five minutes.

Co-Chairman HOYER. Your full statement, of course, will be included in the record at this time.

Mr. VARTIAN. Thank you, Mr. Chairman. I also regret the tone and content of the Azerbaijani Ambassador's remarks and wish that time permitted a measured response to that as well.

It is the stated policy of the United States that it is in our national interest for the nations of the former Soviet Union to opt for democratization, market reform, adherence to human rights, and peaceful resolution of disputes. As for the Muslim Southern Rim Republics of the former Soviet Union, the secular and western model of the Republic of Turkey, has been advanced by the United States.

In order for these objectives to be met, Armenia and Azerbaijan and to a lesser extent Georgia, must be directed to accommodation, as opposed to confrontation. This can not be achieved without greater U.S. interest and engagement.

The conflict over Nagorno-Karabakh escalates. A struggle that began peacefully has turned violent, initially with rifles and now with the full array of weapons of the former Soviet Union. The struggle is more lethal over a much wider area, giving rise to legitimate fears that the conflict could become regional. In its cross-border shelling and bombing of population centers within Armenia, Azerbaijan is attempting to draw Armenia into direct engagement.

With the Minsk round of CSCE talks approaching, it would appear that the current leadership of Azerbaijan has not yet rejected the option of military force. The situation is highly volatile now and will become more-so if the diplomatic deadlock continues. Russia, Turkey, and Iran assert vital interests of their own in the Trans-Caucasus mix.

It is in this context that the following agenda for the future is offered:

For the Clinton administration, expand humanitarian assistance to include the immediate fuel crisis and the related increased risk of Armenia's partially deactivated nuclear power facility. Renew requests for other nations to join in this effort.

Engage in sustained public, in addition to private diplomacy, to end the Republic of Turkey's defacto blockade of Armenia and Nagorno-Karabakh. In our view, these blockades constitute an unconscionable war on civilians.

Make possible the prompt convening of the Minsk round of CSCE talks without pre-conditions. In addition to the ongoing CSCE talks, lead an effort to adopt and implement appropriate UN actions to secure, first, an end to all blockades in the region, then internationally supervised humanitarian and commercial corridors, and finally, an internationally monitored cease-fire.

Request that the UN's Department of Humanitarian Affairs issue another donor appeal and provide U.S. leadership in securing an adequate response.

For Congress we propose that it: consider promptly the administration's nominee of a U.S. Ambassador to Armenia; send delegations to the Trans-Caucasus on the subjects of human and minority rights, blockades, status of negotiations, and the humanitarian situation in general; early review of the Republic of Turkey's blockade of the Republic of Armenia and Nagorno-Karabakh; and, monitor State Department compliance with the Azerbaijan sanctions provision of the Freedom Support Act.

For the Commission, establish regular monitoring of and reporting on human rights and minority rights violations in the region; establish regular monitoring of and reporting on state interference in humanitarian relief operations in the region and conducting member staff visit to the region as soon as possible.

To conclude, Mr. Chairman, the violence in and around Karabakh erupted five years ago because a minority enclave sought clearly defined rights from the surrounding majority state. The record clearly shows that the majority's initial response was denial and greater discrimination leading, ultimately, to violence. The Karabakh movement began with demands for reform, not re-unification, and certainly not statehood.

There are similar minority enclaves elsewhere in the Trans-Caucasus as well as other parts of the former Soviet Union. This gerrymandered colonial empire where peoples were pitted against one another to increase the influence and leverage of the old central authorities is now in the process of decolonization. Greater Western involvement is essential if this process is to be a peaceful rather than violent one.

The peoples of minority enclaves must believe that something is in place to protect their legitimate interests and institutions from the majority. In the case of Karabakh, there were ample opportunities to intervene before majority violence begat minority violence, before expulsions begat counter-expulsions. Karabakh could have been a model for resolving the question of the place of minority enclaves in a post-Soviet reality. Instead, it has become the primary symbol of the consequences of doing too little, too late.

Thank you.

Co-Chairman Hoyer. Thank you very much.

I take it that there are a number of documents attached to your statement and letters that you would also like included in the record——

Mr. Vartian. Please, Mr. Chairman.

Co-Chairman HOYER [continuing.]Is that correct? Without objection.

Mr. Henze, we appreciate your being with us. Mr. Henze is from the Rand Corporation. Doctor, we appreciate your testimony.

Mr. HENZE. Mr. Chairman, I was given enough questions by your staff to fill a day-long conference. It's difficult to even touch on some of them in a very brief time. How much time do you want me to take?

Co-Chairman HOYER. Doctor, why don't we say 10 minutes?

Mr. HENZE. Ten minutes, thank you.

Co-Chairman HOYER. I know that's not very long and I apologize for that.

TESTIMONY OF DR. PAUL HENZE, RAND CORPORATION

Dr. HENZE. Thank you, sir. Well, I'll do my best in 10 minutes. I came prepared to talk primarily about Georgia and conflicts in the North Caucasus, but I'd like to preface my remarks with a couple of other observations. I gave the staff a substantial paper on conflict in the Caucasus, which I would like to give to you as a matter of record.

Co-Chairman HOYER. And we'll include that, at this time, in the record in full.

Dr. HENZE. Thank you.

Co-Chairman HOYER. Thank you, Doctor.

Dr. HENZE. One of the things I think that one has to keep in mind in looking at the Caucasus—and I talk not as an advocate of any particular group. We're all Caucasians, by definition, as being members of the White race, but we've lost sight of that, I think, long in the past. Caucasian has come to mean something quite negative, I'm afraid, in the world and it certainly has a very negative context in Russia itself. But looking back, we can not neglect the role of Russia. And in talking about the role of Russia, in recent times, I don't want to imply that the Russian government in Moscow has not been responsible. I think that Yeltsin, Kozyrev, and many others have been very frustrated by developments in the Caucasus, and I don't mean to impugn their motives. But going back into the mid-1980's as the Soviet Union began to collapse, many elements in the Soviet power structure, conservative Communists, Russian nationalists, and ultra-conservatives, military people, saw some advantage for themselves in stirring up as much trouble as possible in setting people against each other, and we see now the legacy of this. All these conflicts are more difficult to solve than they would have been if people had gone about solving them. If all of you gentlemen and others who are deeply concerned with the whole international, non-governmental organization structure that's been looking on these problems, had had the opportunity to begin working on them six or seven years ago. I think we need to keep that in mind because the tensions, the rancor, the stress, the strain, all the little things that have happened that everyone holds against everybody have confronted us with a formidable sort of problems.

I would like to underscore only one aspect of this and this relates particularly to Georgia. Mr. Shevardnadze, at an age when most

people would like to retire and who certainly was justified in wanting to retire, went back to Georgia a little less than a year ago—just about a year ago now, March of 1992—and took over responsibility in a very deteriorated situation. But his predecessor, Gamsakhurdia, who had been elected president, turned out to be a grave disappointment and exacerbated all of the internal problems in Georgia and exacerbated the capacity of the Georgians to operate an effective government. This has affected the entire Caucasus because one of the problems throughout the Caucasus is that all these governments are weak. They're all relatively unstable. They don't exercise full authority over their territory. They can't control all of the forces that have been unleashed by the collapse of Soviet-Moscow directed Communism.

Mr. Shevardnadze is a particular bug-bear for the conservative elements in the Russian federation, the military, the ultra conservatives, the old party types. Shevardnadze helped Gorbachev undermine the Soviet Union, from their point of view. And then in the final stages, he abandoned Gorbachev and took what Shevardnadzekok claimed was a more principle position.

There's a fascinating review today of a new book in the Wall Street Journal, a book by Strobe Talbot and Michael Beschloss, "At the Highest Levels," on the whole process of the decline of the Soviet Union and the American position in respect to it. And it underscores the fact that out of that whole process, Mr. Shevardnadze comes out looking particularly good, as a man who did have some vision as to where things were going and who recognized that the collapse was coming.

This, however, is something the ultra conservatives find very difficult to forgive Shevardnadze for. And therefore, they're bent upon destabilizing Georgia. They're bent upon ripping Georgia apart, if they can. And they have been supporting elements in Georgia, particularly the Abkhaz, who are too short- sighted in their own vision to see their problems in a larger context. The ultimate aim of the Russians who were supporting these people is not the interest of the small minority groups who have every right to expect recognition and opportunity to develop their culture and their position independently.

At the same time, these people have, in effect, made a pact with the devil. They've made agreements with some of the people who would most like to re-impose Russian imperial control in the Caucasus. This is true in the North Caucasus as well. And the net result is very grave destabilization, as some of the other witnesses have underscored. a surplus of arms, people who are free-booters and adventurers. This is one of the major problems in Georgia.

Shevardnadze, though he's made considerable progress in the year he's been back, has been unable to get a complete hold on the Georgian situation. This takes time. When a situation is highly deteriorated, it takes much more time. So, I think we have to be tolerant, patient. We have to look at the problems of the Caucasus as a whole, as I stress in the paper that I've submitted to the Commission, in terms of where larger interests lie. And it is certainly not in the American interest to see the Caucasus more stabilized. It's not in the interest of any of our allies.

It's certainly not in the interest of Turkey. I know Turkey has come in here, from some of the witnesses, for a great deal of denunciation. My own judgment—and I'm a long-time observer, almost 40 years, an observer and a participant in Turkish-American relations—I think Turkey's policies, given all the pressures that Turkey has to face as a democratic country with a democratic legislature, and very strong public opinion, Turkey's overall position has really been quite responsible. Even Iran, whom we disparage in a great many ways, I think has, on the whole, recognized the dangers of dabbling in the Caucasian situation with the aim of stirring it up and making it more difficult for everyone.

It's not in anyone's interest to see any part of the Caucasus destabilized further. The enormous economic prospects of the Caucasus, which really are extremely positive in almost every part of the region. It's a rich region. It's a beautiful region. It has extraordinarily talented people. The enormous economic prospects are going unexploited and things are deteriorating further.

For this reason, my own formula—and I've been a participant in national observer missions to parts of the Caucasus over the last few months—is to try to postpone some of these conflicts. They can't be solved quickly, but they can be mitigated. People can be persuaded to stop fighting, stop shooting at each other. To let certain things stay on the shelf for a while and let humanitarian aid come in, let economic recovery proceed. Let communications be reestablished, let people have time to begin to think. The unfortunate thing, given conditions in the Caucasus today, is that the great majority of the people who live there, well over 20 million people, have no time to think. They have no time to reflect. They're desperately running from one thing to another, fearful that something horrible is going to happen to them.

This is where, I think, we as Americans and as participants in the international community can exercise our strongest influence. Not by taking sides, not by generating irrational pressures on anybody, but doing our utmost, simply to calm things down to cause people to stop in their tracks, look around, and begin to think.

Thank you, Mr. Chairman.

Co-Chairman HOYER. Doctor, you stayed within the 10 minutes, that's for sure. Let me ask you some quick questions and then I'll turn to my other colleagues. If we have enough time, I'll come back and ask some other questions of our other witnesses on what the majority of the hearing has been about.

I might say that we have been joined by Congressman Greg Laughlin. Congressman Laughlin, unlike I think, probably anybody else on this panel, has had the opportunity of visiting all three countries—Armenia, Azerbaijan, and Georgia as well as Nagorno-Karabakh.

Mr. LAUGHLIN. I have not been to Nagorno-Karabakh.

Co-Chairman HOYER. He has not been to Nagorno-Karabakh.

In any event, Doctor——

Mr. LAUGHLIN. I might say, when I was in Georgia, I wish I had been in Atlanta.

Co-Chairman HOYER. You must have talked to Mr. Gamsakhurdia.

Mr. LAUGHLIN. I did.

Co-Chairman HOYER. What a delightful human being. I won't make any further comment. We had a delightful dinner there for about four hours, I think.

Mr. LAUGHLIN. I was at that one.

Co-Chairman HOYER. You were at that one with us. That's right. Doctor, do you think Shevardnadze is in control of Georgia?

Dr. HENZE. No, he's not in full control of Georgia, but I think he's expanded his control considerably over the past year. And I think without Shevardnadze, Georgia would degenerate into total chaos. I see no alternate leadership.

Shevardnadze has a rough time, is still having a rough time, getting control over some of the people who gained a good deal of power and influence and assembled military forces during the Gamsakhurdia period, particularly Kitovani and Ioseliani. But I'm impressed with the progress that Shevardnadze has made in this respect and I think one has no alternative, but to give him time to do more.

Co-Chairman HOYER. And I presume that doing more will be the context in which human rights' recognition can grow in light of the armed bands that are marauding through Georgia.

Dr. HENZE. Well, Mr. Chairman, I traveled all through Abkhazia as part of an international observer mission in late November and early December. What was so obvious there was that everybody was suffering because of all of the conflict that was taking place. the Abkhaz, the Georgians, the Armenians, the Russians, and nobody has the strength to get full control over the situation. Russian weapons are flowing into everybody's hands.

Mr. Gamsakhurdia, during December—and I have reason to believe he has made some progress since—was in the process of trying to organize an effective military staff to take charge of and set up an effective small Georgian army. Such an army doesn't exist now. And this is the only way that armed bands roaming around, free-booting, can be effectively brought under control.

Co-Chairman HOYER. Now, you said Gamsakhurdia. Do you mean Gamsakhurdia or Shevardnadze?

Dr. HENZE. I'm sorry. I didn't mean Gamsakhurdia. I meant Shevardnadze. I mis-spoke.

The problem here is that several authority, in many respects and particularly police authority, has largely collapsed. It collapsed during the Gamsakhurdia period, and people took things into their own hands and different groups took advantage of the situation.

Co-Chairman HOYER. Doctor, last question from me, and then I'll go to my colleagues who I'm sure want to focus on the very substantial and significant testimony we've had with reference to Armenia, Azerbaijan, and Nagorno- Karabakh.

What is your belief, as to why the Georgian forces attacked Abkhazia and destroyed their parliament?

Dr. HENZE. Well, I think the Georgian forces who attacked the Abkhaz were the free-booters. Certainly, I see no evidence and know of no evidence that this was desired on Shevardnadze's part, or that this was a carefully sought out aspect of Georgian policy. It happened because of the local circumstances, and once unleashed, it was very hard to get it under control.

The problem in Georgia now is that there are several different elements, under no clear control, who are contending with each other including Russian elements, who have been bombing areas held by Georgians recently. I have no reason to believe this has been ordered from Moscow, but it's very difficult, I think, for Moscow to control all of the forces it has there. One of General Grachev's most serious problems—and he's been travelling around the Caucasus recently—is to get full control of the Russian forces in the Caucasus.

Co-Chairman HOYER. Doctor, on that question—I know that I said that was going to be my last, but let me ask this. I don't know how much you know about the Armenian-Azerbaijan conflict. Have you been focusing enough on that area to answer questions for us?

Dr. HENZE. I haven't been focusing, particularly, on that.

Co-Chairman HOYER. All right, let me pass on that question then. Senator Grassley?

Senator GRASSLEY. Mr. Ambassador, why won't your government lift the blockade, or help lift the blockade of Armenia, as a show of good faith towards negotiations? It seems to me that if you're serious about peace, then the blockade should stop.

Ambassador PASHAYEV. Our government is ready to lift the blockade. We would like to do this in whole package, like we presented in the Rome talks. We should immediately arrange a cease-fire. And to say that we will lift blockades would be like a slogan, because all communications. power supplies are destroyed. It will take time.

At the same time, we will install cease-fire. We will have observers from CSCE at the same time, will do restoration of all communication. All these are included in our plans to do this.

Senator GRASSLEY. Dr. Henze, would you have any sort of response to that agreement or disagreement, or anything you could——

Dr. HENZE. Well, Mr. Senator, as I have said to the Chairman, I haven't been following the—it's almost impossible to follow the entire Caucasus simultaneously. There's so much going on in so many different areas, and many that haven't even been mentioned here. So, I really have no comment on that.

Senator GRASSLEY. OK.

Ambassador PASHAYEV. Let me say one thing else. We have nothing to do with food and supplies like food, but we would not permit our fuel goes to the—it would return like bullet against us again. It's a real problem for us. We see that our food and our energy supplies could not be used for attacking the Azerbaijani people.

Senator GRASSLEY. Maybe I ought to ask Mr. Topalian if you have any comment on that point that I raised about the blockade.

Mr. TOPALIAN. In response to the ambassador's point that the blochade of all fuel is warranted since it could be used to fight Azerbaijan, I don't believe that using a fuel blockade to starve and kill people is acceptable. A 30 percent increase in the mortality rate of those over 55 and a 30 percent increase in the mortality rate of infants in Armenia as a result of starvation and exposure have been reported not by an Armenian source, but by the Atlanta Disease Control Center.

The statistics speaks for themselves. I agree with you. A goodwill action would be well appreciated, in my opinion.

Senator GRASSLEY. OK. To either one of you, Mr. Topalian or Mr. Vartian, there was an article in the February 12th New York Times that mentioned that Russia has aided Armenia and other republics, by giving them billions of rubles in credit. Armenia is said to have given into Russia on a number of points in return for this aid.

Could you elaborate on what issues Armenia was forced to give into on Russia to get the ruble foreign aid?

Mr. VARTIAN. Senator, I could not elaborate on that except to say that Russia has alternately engaged in pro-Azerbaijani actions and pro-Armenian actions and I would refer back to Dr. Henze's remark about this alternating current approach to diplomacy, to keep one group going against the other, and so forth. I have read in Armenian Commentary within Armenia that Russia has been sympathetic and helpful to Armenia recently.

Senator GRASSLEY. But neither one of you know of any specific policy deference to Russia?

Mr. TOPALIAN. I think it would be dangerous for us to comment on that, being so far away as Armenian-Americans.

Senator GRASSLEY. OK, that's fine.

Mr. TOPALIAN. We're not with the embassy in any way, nor with the government.

Senator GRASSLEY. I'd like to ask anybody on the panel, Russia appears to have its hands in many of the current conflicts in the republics of the former Soviet Union. Could any of you comment on the current governmental crisis in Russia and what effect it might have on any of these conflicts?

Dr. HENZE. I'd like to offer a comment, Mr. Senator.

I think when we speak of Russia, we have to, as we've underscored, recognize that there are many different elements in Russia and no government in Moscow in the last couple of years has had full control over what's going on in the periphery. And unfortunately, I think in recent months, Moscow's control over the periphery has declined.

We face a very grave situation right at the present time, I believe, and if Yeltsin is defeated or if his authority is substantially curtailed, I think we'll find that the periphery for the Russian federation and maybe some of the parts of it fairly close to the inner core will be going their own way.

Ambassador PASHAYEV. As mentioned by other panelists, Russia played at different times, different roles. We agree that Russia sometimes getting back of Armenia and sometimes in past, they were with Azerbaijan. For example, last offensive, a very successful offensive of Armenia's forces was backed by Russian—army and we have evidence of them taking part in—offensive.

Senator GRASSLEY. This will be my last question, Mr. Chairman. I'd ask Mr. Topalian whether or not you agree with the Ambassador's statement that the conflict has nothing to do with religion or ethnicity, and that it is only over territory?

Mr. TOPALIAN. I think that would also be an over-simplification. The issue isn't religion. I think what we have to look at is the human rights issue.

The people of Karabakh, as was stated, began using peaceful protest as a means of attaining their human rights and instead of the peaceful methods being successful, they fell on deaf ears because nobody would take action, be it Russia, be it Azerbaijan, or be it the international community. As a result, the situation has progressed into a violent conflict, which has led to various hearings and CSCE meetings such as this one. I is a sad commentary, however, that people had to die before we ever got to this point.

But to say it's a purely territorial issue is not altogether correct either. If the human rights issues had been addressed earlier on, there would never have been any such movement for independence or unification. Instead, these issues were ignored and the situation developed into one of self-determination.

Senator GRASSLEY. Thank you.

Mr. VARTIAN. Senator, may I add something briefly?

Senator GRASSLEY. Yes.

Mr. VARTIAN. There is this concept now called ethnic conflict. And by describing these events as ethnic conflict, it seems to somehow make them mysterious and somehow, also, to make them less than state versus state conflict. It somehow trivializes it.

Ethnicity is involved, true, but ethnicity is involved in any national Conflict. So, I think this is a traditional state versus state conflict in a sense that we understand it. But it also has one unusual characteristic that we don't have in the United States, and that's this notion of minority enclaves. And by ignoring this notion of minority enclaves, by relying only on the principles of self-determination versus integrity of the state, I think we're missing an opportunity to engage constructively on all of these minority enclave issues that exist throughout the former Soviet Union.

Co-Chairman HOYER. Congresswoman Eshoo?

Ms. ESHOO. Yes, thank you.

Mr. Chairman, my question is to the Ambassador, and I'm taking it really more from some of the suggestions in terms of resolution that were suggested by Mr. Topalian.

In spite of the positive environment that he stated, which has emerged from the talks, there seems to be reliance on two future events. a bilateral agreement between Azerbaijan and Parava, and a cessation of the hostilities as a pre-condition to future Minsk rounds.

Would you support both of those?

Ambassador PASHAYEV. Bear with me for just a minute.

Ms. ESHOO. I should try my Armenian and see if it works, right?

Ambassador PASHAYEV. Or Azeris.

My point of view, if we will have some bilateral negotiations, it will be fine and I am agreed for negotiation.

Ms. ESHOO. So, you would support a bilateral agreement between the two?

Ambassador PASHAYEV. I would support bilateral, yes.

Ms. ESHOO. Yes.

Ambassador PASHAYEV. But no, this should be only——

Co-Chairman HOYER. You might want to clarify——

Ambassador PASHAYEV[continuing.] No Azeri—no Azeri——

Co-Chairman HOYER. Who are the bi's in the lateral that we're talking about? Which two entities are we talking about? Presumably, Azerbaijan is one.

Ambassador PASHAYEV. No. This is between Armenia and Azerbaijan because now, it is most great forces involved in this conflict, Armenia and Azerbaijan. That's it. That's the bilateral. It's what we need to have for negotiations.

Co-Chairman HOYER. Mr. Ambassador, while Ms. Eshoo is contemplating her next question, let me ask you something.

Is it your contention that there is a deployment of Armenian troops from Armenia in Nagorno-Karabakh, air dropped or otherwise into Nagorno-Karabakh? In other words, is it the contention of Azerbaijan that there are Armenian troops in Karabakh?

Ambassador PASHAYEV. Armenian armed forces, troops, they are now in Nagorno-Karabakh. As you know, between Nagorno-Karabakh and Armenia is a corridor now available, which is now under the control of Armenian forces. Though it's nothing—it's very easy for them to go. It's no——

Co-Chairman HOYER. So, it is the contention that there are actually Armenian troops on soil you claim to be and has historically been Azerbaijan's since 1917?

Ambassador PASHAYEV. There are Armenian troops, like troops of another country, on the territory of Azerbaijan just now.

Co-Chairman HOYER. I understand.

Ms. Eshoo, I'm sorry.

Ms. ESHOO. Oh, that's all right. I enjoy listening to your good questions and trying to hear the answer.

It was brought up in previous testimony, Mr. Ambassador, that the success of any peace initiative really hinges upon the inclusion of democratically elected representatives of Nagorno-Karabakh. Do you agree with that? Would you accept that in any kind of negotiations to bring about peace?

Ambassador PASHAYEV. You should understand that in the situation of the war and when Nagorno-Karabakh completely cleared from the Azeris. I mentioned that 56 Azeris villages are now absolutely empty. And inside of Nagorno-Karabakh, in this condition, I think it is difficult to say anything about democratic elections.

Ms. ESHOO. But you have not answered my question.

Ambassador PASHAYEV. What was your question? You said that—we will accept the representative of elected people, but I am answering that if it would be real democratic elections, we will accept the result. That's my answer.

Ms. ESHOO. Thank you.

Co-Chairman HOYER. Mr. Moran?

Mr. MORAN. Thank you, Mr. Chairman.

The urgency of the situation though is with regard to the siege of Nagorno-Karabakh and the fact that the people in Armenia have been blockaded from receiving fuel and food and necessary supplies for their sustenance, their survival.

We have no information to indicate that Azeris are under siege. All the information we have is that the Azeris have laid siege to the Armenians in Nagorno-Karabakh and have been effective in blockading Armenia, including the Armenian enclaves in Georgia

being responsible for blowing up the fuel lines into Armenia. That's our concern.

Now, you—and I guess I'm not surprised—have given us a series of what we must interpret as denials, and I can understand that you would have a different perspective. But is it not true that Nagorno-Karabakh is under siege by Azeris forces and that the Azeris have a deliberate strategy of blockading Armenia from necessary supplies that are essential to their survival?

If I got a yes or a no, I could proceed with the next question, but I suspect that's not what I'm going to get.

Yes, Mr. Ambassador?

Ambassador PASHAYEV. It's not clear for me, sir.

Mr. MORAN. I understand.

Ambassador PASHAYEV. As I mentioned, blockade is a problem of now, restoration of the connection. For example, Nakhichevan, Azerbaijan area, Azerbaijan territory, is blockaded by Armenians. Because railways which goes through the Armenian territory to Nakhichevan is completely blown out now.

Mr. MORAN. Mr. Ambassador, I want to understand what you're saying and I'm not fully comprehending what you're saying.

Are you saying now there's a rail line that is fully loaded up, and that rail line goes from where to where?

Ambassador PASHAYEV. The railway goes from the Azerbaijan to the Nakhichevan through Armenia. Then from Nakhichevan to Armenia. There is a corridor, on Armenian territory. In this 40 kilometer corridor, just now, railways all blown out now by Armenians. This is another reason why, for example, Armenia in blockade.

I just got yesterday, information from our government that we suggested to ministers, both ministers, Armenia and Azerbaijan, to sit down and to restore this connection, this railroad. And now, Mr. Kazimirov, negotiator between Armenia and Azerbaijan, suggested to help to put the Russian soldiers for restoration of this line. But Armenia does not agree with it.

This is some extenuating situation. You should understand that having some image of the suffering nations, Armenia just now are using help from the western countries for offensive. The real situation is very complicated. It's not like bad guy and good guy. The situation should be examined very carefully.

Mr. MORAN. Well, the point remains——

Ambassador PASHAYEV. The basic issue is blockades.

Mr. MORAN. But the people who are living in Yerevan, let's say, a very large city in Armenia, don't have fuel to warm themselves during the winter and don't have enough food to live on. And we have eyewitness accounts that that is the case. Now, that is not something they want. They are clearly suffering because of a blockade that has been imposed by Azerbaijan with the cooperation of Turkey.

Can't we accept that?

Ambassador PASHAYEV. No.

Mr. MORAN. We can't accept that?

Ambassador PASHAYEV. Absolutely not.

Mr. MORAN. Why don't they have sufficient fuel and food?

Ambassador PASHAYEV. Because we have no agreement, any talking about this issue with the government of Turkey. We are now

an absolutely independent country and we are creating our independence. So, we don't need any help with these kinds of things. We don't need any help.

As I mentioned this blockade, understand that it is very terrible that civilian people in Armenia suffer very much. But same conditions have Azerbaijan in Nakhichevan, absolutely the same, but nobody knows about this.

Mr. MORAN. You're saying there are Azerbaijan people in——

Ambassador PASHAYEV [continuing]. In Nakhichevan——

Mr. MORAN [continuing]. Which is a city——

Ambassador PASHAYEV [continuing]. No, it's a region, an entire region. It's a big republic—republic.

Mr. MORAN. And it's located where?

Ambassador PASHAYEV. Inside Azerbaijan.

Mr. MORAN. Inside Azerbaijan.

Ambassador PASHAYEV. And blockaded by Armenian territory.

TRANSLATOR. Let me explain. Nakhichevan is separated from Azerbaijan by the strip of Armenia, and it's sandwiched between Iran and Armenia. The only life line to Nakhichevan is through Armenia and the roadway passing through that. So, that's the life line. And right now, for more than a couple of years, the whole life line has been cut off. They are receiving their power and electricity from Iran. They are totally cut off from the humanitarian and food, and it's a little island. It's very small, if you like. It's a little enclave.

Mr. MORAN. Sir, you are interpreting for the Ambassador. I heard him say it is a complex situation. Would he admit that Nagorno-Karabakh is under siege by Azerbaijani forces?

Ambassador PASHAYEV. What do you mean under siege?

Mr. MORAN. Under attack.

Ambassador PASHAYEV. Under attack?

Mr. MORAN. Yes, currently.

Ambassador PASHAYEV. This is real war over there.

TRANSLATOR. He was explaining to me while you were asking the question. He just mentioned not too long ago, a few weeks ago, there was a big demonstration in Yerevan by the people, by the suffering people, against their government because of continuing this war. The Azerbaijani government perceives that oil and gas is part of—it's a war commodity right now. And what they give to Armenian government, it will return like a bullet towards other Azerbaijani face. And if they show goodwill or humanitarian——

If they are talking about their own people, they should first set the cease-fire and then negotiate as the Azerbaijani government is ready to in Rome, they are ready to actually sit down and talk and end this blockade. They see this as a package of blockade, not only that, you know, they would give their military life line and yet reinforce Armenian forces and then suffer from it. So, they see this as a whole and they totally also deny that there's siege in Karabakh against Karabakh people.

Co-Chairman HOYER. I don't want you to put words in the Ambassador's mouth. Now, as I understood the Ambassador's position—and excuse me, Mr. Moran.

Mr. MORAN. Yes, please, Mr. Chairman.

Co-Chairman HOYER. His position is that essentially Azerbaijan is at war with those in Nagorno-Karabakh. But he admits that there's a siege in the sense that there's a war going on. And I don't think that's very complicated. There is a siege going on. They're at war. And his perspective is that it is justified because, in fact, there is a war occurring and I understand the Ambassador's position. I think you misstate his position.

Am I correct, Mr. Ambassador? It's your position that essentially, there's a war going on. And yes, of course, Azeris forces have Nagorno- Karabakh under attack because they perceive Nagorno-Karabakh as threatening the sovereignty and/or the geography of Azerbaijan. Am I incorrect in that?

Ambassador PASHAYEV. I said that on the territory of Nagorno-Karabakh, on the border part, in the corridor between Armenia and Azerbaijan there are Armenian forces, regular Armenian armed forces. This is the case.

Co-Chairman HOYER. Mr. Moran, I'm sorry I interrupted you.

Mr. MORAN. I have only one other line of question because I know Mr. Laughlin and you have other questions to ask.

I would like to ask the Armenian representatives, given the fact that there is a fuel shortage—in fact, no fuel to speak of is really available to the Armenian people, there is a nuclear generating capacity in Armenia. Now, why isn't that being used? I know some of the background, the danger, but I would like to have that on the record, and what do you think of the prospects of the Armenian people being able to defer usage of that generating capacity indefinitely?

Either Mr. Topalian or Mr. Vartian can respond, whichever you prefer.

Mr. VARTIAN. Congressman, I just returned from Armenia and was there with Congressman Kennedy and 58 journalists from Moscow. And just to start, not one of the journalists who went to Armenia characterized what was happening to Armenia as anything other than blockade. So, I'd like to say that.

On the question of the nuclear facility, it was shut down for environmental reasons. It is a Chernobyl-like facility with a high risk factor. It has been decommissioned. The president of Armenia has on the table, a proposal to the Armenian Parliament to reopen it. It will take a minimum of 18 months to two years. French specialists have analyzed the reopening of that facility and said it can be done under certain circumstances, with an additional investment of $150 million. It is not safe to open at this time and Armenia will not open it until such time as it becomes substantially safer than it is.

Regardless that there's a $150 million investment however, even after that takes place and it is opened, it is still on an earthquake fault line. And no amount of hardening can take that into account. It would be a desperate act of a blockaded country to reopen that nuclear facility. However, the national security of Armenia is the countervailing variable here, and the debate is going on right now in democratic Armenia on weighing one risk factor versus another.

Mr. MORAN. Thank you, Mr. Vartian.

Co-Chairman HOYER. Mr. Laughlin?

Mr. LAUGHLIN. Thank you, Mr. Chairman.

Co-Chairman HOYER. Excuse me.

Mr. Topalian, did you want to respond?

Mr. TOPALIAN. Yes, I just wanted to clarify two quick points, so we have a situation here where everything is crystal clear.

When we're talking about the area of Nakhichevan——

Co-Chairman HOYER. Mr. Topalian, if you, in the few seconds that you're going to respond to this question, can make everything crystal clear, you will be better than anybody else in the room.

Mr. TOPALIAN. On that issue, I can.

Co-Chairman HOYER. But you can try. Proceed.

Mr. TOPALIAN. Nakhichevan has two borders that are open, since it borders Iran and Turkey. It gets electricity, gas, humanitarian aid, and so forth from these neighbors. It does not solely rely on Armenia since there is these open lines of trade. If Armenia had two borders open, we would be extremely happy. That's one point.

Mr. MORAN. And there is no allegation whatsoever that there is any blockade of that section by Iran or Turkey.

Mr. TOPALIAN. No. Iran and Turkey both want to help Nakhichevan. They both have spheres of influence in Nakhichevan.

Mr. MORAN. So, there is a clear distinction there, OK.

Mr. TOPALIAN. Yes. I mean, Armenia can't blockade Nahichevan because it is not receiving anything. I mean, it doesn't have anything to blockade.

But anyway, the other point that was made, the demonstration in Yerevan against the government was a political demonstration, not a protest against the war. It was to protest some of the policies that the government was pursuing on the economic sphere. People were not carrying signs, "get out of Nagorno-Karabakh," or anything of the kind. They were carrying signs that said, "we need food."

The demonstrators felt that Armenia had to change their policies and as well as change their direction. The demonstration was misrepresented in the testimony. I just wanted to clarify this fact.

Co-Chairman HOYER. Thank you.

Mr. Laughlin?

Mr. LAUGHLIN. Thank you, Mr. Chairman.

Mr. Chairman, having visited both Azerbaijan and Armenia, I came away with several impressions. One of those is that the people individually, in both those countries, are wonderful, bright, talented, very capable people. I established friendships and enjoyed being in both countries, but I must confess that while I was there, I heard expressions by the people in Azerbaijan that the Armenian people are very talented and very craft, artistic, talented people. The Armenians tell me that the Azerbaijani are talented, good people.

And then I go there and visit and I leave depressed. And very frankly, I said to Sonia Crowe, of the Armenian Assembly, that I'm not optimistic. I don't even believe there will be peace. Frankly, I don't think most of the people want peace because there's too much backward looking. And when everybody at the table looks backward, you can only see the horrors that were there in the past.

I will agree there's been horrors in the past and Joseph Stalin did a great in-service and injustice, not only to the people represented here by these two republics, but to millions of others. Some

of them in the millions were even Russians. And so, I'm very pessimistic. In fact, I just don't believe there will be peace.

Now, Sonia and I visited at length last week, after my return from Azerbaijan, and she's a lot more optimistic, Mr. Chairman, than I am. I hope she's correct, because I think both countries and the entire region have so much to gain if both countries will look to the future for the talents and resources of the people in both countries. And just to make a point, and as I told Sonia, all the Armenians and all the Azerbaijani in the 14th congressional district could vote with my opponent. And even though I've had close races, Jim, they wouldn't defeat me. So, I don't have Armenian and Azerbaijani constituents in my district and I appreciated the openness with which Sonia and I communicated.

If we can get the people in both republics and the interest groups in America who are interested in both republics, interested in the future—for instance, I think it was a pleasant surprise to learn that the Azerbaijani that I talked to are interested in the pipeline that they need to carry their oil to the West, go through Armenia. I think it's interesting to know that the Turkish business people and government officials—and none of this was passed by the general assembly or the parliament—are interested in seeing that pipeline go through Armenia. Now, there are benefits to Armenia if that happened. There are no benefits to anyone if this war continues.

So, I hand the effort that has been made is commendable. If you want to look at positioning, and certainly, Mr. Topalian, the Armenian Assembly is well organized and anyone should take lessons from the Armenian Assembly of America for their tenacity and their capability and abilities, and the legislative victories are there. I wonder aloud, as I did with Sonia, how long will these things take to bring peace to the people that need it?

I spent part of a day in Kuba, which is near the Russian border up in the Caucus Mountains, a lovely town. Impromptued, stopped at a Jewish Synagogue where the Jews were worshipping and the children were in class. The people giving me the tour had to leave to attend a funeral of a young man who was killed in the war, in the Nagorno-Karabakh area. And as we talked, this war brings grief only to the mothers, only to the mothers. And mothers in Armenia and mothers in Nagorno-Karabakh, and mothers in Azerbaijan are the ones that are really suffering.

Mr. Topalian, if I were to tell you this statement, I want to ask you if you would agree with it. The people are starving, that the people are cold. The hospitals are cold and there are no anesthesia in the hospital. Would you agree that that description would fit, as the general description of conditions in Yerevan?

Mr. TOPALIAN. Yes.

Mr. LAUGHLIN. Well, those are the exact words the American Ambassador to Azerbaijan said to me, Ambassador Dick Miles, about Nakhichevan.

Now, I don't say that to argue with you that conditions aren't bad in Yerevan. They're probably worse. But worse in one place and worse in another is not going to get us a peace for the people there. And I don't intend to sound as an—for Turkey, but I read reports where they have sent food to Armenia, and I have not seen

that in any American news accounts. Now, if those reports are inaccurate, then send me some information. But no one here, other than Dr. Henze, has said anything complimentary and I understand it's a difficult situation with the history in that area.

So, I would say to you that there's many of us that want to see peace in that area. And I, for one, am committed to working with both sides. And I don't have a fixed position. It may surprise you that Sonia and I have visited more than once and my good friend, I see you're squirming back there. Rosalie may not like what I'm saying right now, but Rosalie comes to my office frequently to visit with me. My office has been frequented with probably more Armenians than Azerbaijani.

I would say to you that the best example I can give about ethnic minority enclaves, you haven't been to Texas if you don't think there's any in America. And I give you the example of any place along our Mexican border, and I would give you the example of San Antonio. Now, just a piece of history to show that you Armenians and Azerbaijani don't have a monopoly on border disputes, my state was not admitted to the United States of America for ten years because the United States of America knew they would be in a war with Mexico.

From the Nuasis River, which generally runs from San Antonio to Corpus Christi, all the way south to the Rio Grande was claimed by the Republic of Mexico and the Republic of Texas claimed it. Mexico said there would be a war if the United States took us in the Union. So, they put it off for ten years. Sure enough, we joined the Union, and there was a war over it. And I will tell you that all Americans, whether they would be in Boston or Oakland, California, Duluth, Minnesota, would rise up in arms if the Mexican population of Mexican heritage in San Antonio all of a sudden, not for the historical reasons you've got in the Caucus Mountains, but for any reason, said they wanted to be a part of Mexico, we would probably have similar reactions.

So, I say all these things not to give you a lesson in history—any of you because you know far more about it than I do—but to tell you that there is an appreciation from an American viewpoint that this is a troubled part of the world. And if more could look to the future of the good that would happen to the people in both countries, if the pipeline were constructed, if the food supplies were passed back and forth, if the medical communities exchanged, I just see nothing but richness and full opportunity for the future.

Rather than ask anyone a question, Mr. Chairman, I'll keep working in the way I have. I see many friends in the audience on both sides, and I intend to keep working that way and pledge to each of you who have been to see me and who will, hopefully, continue to come see me that I will try all I can to maintain the credibility that I've had in the past with you.

Thank you, Mr. Chairman.

Co-Chairman HOYER. Thank you, Mr. Laughlin.

The Helsinki Final Act envisioned monitoring these principles which all signatory states could agree upon, and it envisioned holding one another to those standards. One of the suggestions made by Mr. Vartian was that the Helsinki Commission—he made sugges-

tions for Congress and for others, but that the Commission in particular maintain a high level of monitoring on this situation.

It is the Chair's view and has always been, and it is the view of the Co-Chairman, Mr. DeConcini, that the worth of this Commission is in its focusing public attention on important issues, focusing attention on national conduct, focusing attention on the observation of human rights, focusing attention on the treatment of minorities within nations.

Very frankly, the Commission, from time-to-time, focuses on the United States. Mr. Laughlin has made an observation that all the world knows is true, and that our own country knows is true, that we have our own problems here in the United States. Once they devolved into a civil war and we lost more Americans in that war than we lost in any war before or since.

Mr. Ambassador, I appreciate your being here. It would be, I think, correct to say that a majority of the Commission, as you well know, has the perception that there is a blockade on Nagorno- Karabakh, or siege as Mr. Moran put it, and a blockade of Armenia by Azerbaijan and some of its allies, or those who may be perceived as allies. But I also understand that there is a different perspective.

But in any event, I would not agree with Mr. Laughlin that those who suffer are simply the mothers. They clearly suffer. Tragically, the children suffer greatly. Families suffer greatly, economies suffer greatly, indeed, peoples suffer. Even the young men who are hell-bent for leather, as we say in America, to get into a confrontation, suffer ultimately.

And we hope that this hearing has been a very small part, a very, very small part towards illuminating for the Congress—and we will have this record available to the Congress—to first of all, bring the fighting to a stop. Secondly, to provide for humanitarian access to all parties without judgment being made as to right and wrong. Unfortunately, in your region of the world, we're seeing far too much tragedy. Yugoslavia is a perfect example.

But I want you to know that I appreciate your being here and testifying. The gentleman from your embassy, I guess the charge d'affaires was called back to your country and you could have simply declined to appear.

I also want to thank, very much, Mr. Topalian and Mr. Vartian for being here. As American citizens, you have a great concern for your roots, your homeland, and the people from whom you spring. As a first generation American of Danish descent, I share that view. The Helsinki process is greatly advantaged and, in fact, could not work without the efforts of non- governmental organizations like yours who keep the faith and who keep the pressure on Mr. Laughlin and Mr. Hoyer and Mr. Moran, Senator Grassley, and Senator DeConcini. There is so much crying out for our attention that but for your efforts, we may miss the ball. So, we thank you for that.

For all of you who have come to this hearing, we thank you as well.

Dr. Henze, we did not focus as much on Georgia as we might otherwise have. I asked you four questions because I didn't want you to think we were uninterested in Georgia. In effect, we have spent

most of our time on the situation in Azerbaijan, Nagorno-Karabakh, and Armenia.

But as somebody who has been to Tbilisi, has spent significant time with Shevardnadze, and some time with the military—I don't know what to call them, but the heads of some of the military agencies there in Georgia. I appreciate your views. Clearly, that is a situation as well that demands our attention.

But I want to thank all of you for testifying. You waited for Ambassador Maresca. He had to get on first and understandably, because he is a neutral party, did not want to be testifying as a member of a panel, trying to take sides. But hopefully, together, we will shed enough light on this and establish enough heat on the participants to stop the violence and stop the war—start the feeding, start the humanitarian aid, and negotiate on a resolution of this conflict. We hope this hearing has been somewhat helpful toward that objective. Thank you very much.

[Whereupon, at 5:12 p.m., the Commission adjourned subject to the call of the Chair.]

APPENDIX

THE SECRETARY-GENERAL

11 February 1993

Dear Senator Deconcini,

I have received your letter of 27 January regarding the serious humanitarian situation in the Republic of Armenia.

I fully share your concern about the rapidly deteriorating conditions in that republic, which I have tried to address for some time. Even prior to President Ter-Petrossian's emergency appeal of 7 December last year, I had asked Under-Secretary-General for Humanitarian Affairs Jan Eliasson to co-ordinate an urgent programme of assistance for both Armenia and Azerbaijan. On 10 December, an Immediate Emergency Appeal was launched for the region.

In response, the United Nations High Commissioner for Refugees immediately launched a programme - which is continuing - of emergency assistance to refugees and other persons displaced by the conflict. The Appeal, which emphasized the great urgency to remedy the humanitarian emergency, strongly encouraged governments and non-governmental organizations to provide the necessary financial means for the immediate delivery of assistance. Despite its modest goal, only about a third of the total has been raised until now.

Additionally, in view of the desperate fuel situation in Armenia, in December I sought and obtained the co-operation of a neighbouring country to facilitate the transshipment of much-needed oil deliveries to the Republic of Armenia. I was greatly heartened that, in order to ensure these fuel oil deliveries, the United States pledged to assume a major share of the transport costs.

The Honourable Dennis Deconcini
United States Senate
Washington, D.C.

Another measure to monitor the situation and assist the population was the recent opening of a United Nations Interim Office in Yerevan. Furthermore, the UN Development Programme and the World Bank are exploring ways of helping the Republic of Armenia achieve economic growth and development.

The Security Council, which has been seized with the matter, issued a statement on 29 January, expressing its concern about the devastating effect of the interruptions in the supply of goods and materials, especially of energy supplies, to the region. The Council urged all countries in a position to do so to facilitate the provision of fuel and humanitarian assistance to Armenia and the Nakhichevan region of Azerbaijan.

Concerning the ongoing conflict in the region of Nagorno-Karabakh, involving the republics of Armenia and Azerbaijan, the United Nations has supported the efforts of the CSCE to achieve a settlement. The 11-Government Minsk Group, to which you refer in your letter, has endeavoured to reach agreement on a ceasefire, on the deployment of observers, and on the convening of a conference in Minsk to work out a political solution.

In support of these peace-making efforts of the CSCE, the Security Council has issued three presidential statements, and I have dispatched several fact-finding missions to the area. Moreover, my representative has participated as an observer in the meetings of the Minsk Group in Rome.

I wish to assure you that I intend to continue these activities in support of the CSCE, in the hope of contributing to an early convening of the conference on Nagorno-Karabakh. You may also be assured that I will continue my efforts to assist the afflicted population of the region in whatever way I can. Your support of these efforts is as important as it is timely.

Yours sincerely,

[signature]

Boutros Boutros-Ghali

STATEMENT BY SEN. DENNIS DeCONCINI
CHAIRMAN, HELSINKI COMMISSION
HEARING ON TRANSCAUCASUS
MARCH 8, 1993

WELCOME TO THIS VERY TIMELY HEARING ON THE SITUATION IN TRANS-CAUCASIA. AS YOU KNOW, NO REGION OF THE FORMER USSR HAS EXPERIENCED MORE INTER-ETHNIC AND INTER-STATE VIOLENCE. BLOODY CONFLICTS IN NAGORNO-KARABAKH AND ABKHAZIA ARE CONTINUING EVEN AS WE SPEAK, AND CASUALITIES ARE CONSTANTLY MOUNTING.

FOR THE LAST FIVE YEARS, THE HELSINKI COMMISSION HAS BEEN FOLLOWING THE SITUATION IN ARMENIA, AZERBAIJAN AND GEORGIA VERY CLOSELY. CO-CHAIRMAN HOYER AND I HAVE BEEN TO THE REGION AND HAVE MET WITH HEADS OF STATE, PARLIAMENT AND OPPOSITION LEADERS TO SOUND OUT POSITIONS AND ESTABLISH THE POSSIBLE PARAMETERS OF SETTLEMENTS TO THESE CONFLICTS.

CSCE TALKS HAVE RESUMED IN ROME ON NAGORNO-KARABAKH, AND WE FERVENTLY HOPE THAT PROGRESS WILL BE MADE. DRAFT AGREEMENT HAS BEEN REACHED ON TERMS OF REFERENCE FOR A CSCE MONITOR MISSION TO BE SET UP IN THE AREA ONCE A CEASEFIRE IS ESTABLISHED. A TEAM OF EXPERTS WILL BE DISPATCHED AS SOON AS POSSIBLE TO PREPARE FOR THE MONITORS.

OF COURSE, WITHOUT A CEASEFIRE, THERE WILL BE NO MONITOR MISSION, AND ALL PARTIES HAVE BEEN STRONGLY URGED TO EXERCISE RESTRAINT AND AVOID ANY MILITARY ACTIONS THAT MIGHT THREATEN THIS FRAGILE BIT OF HOPE FOR A NEGOTIATED SETTLEMENT.

IN GEORGIA, UNFORTUNATELY, HOSTILITIES ARE CONTINUING. THE CEASEFIRE IN SOUTH OSSETIA NEGOTIATED LAST JUNE IS STILL HOLDING, BUT TENSIONS ARE REPORTEDLY RISING THERE. AS FOR THE WAR IN ABKHAZIA, IT SHOWS NO SIGNS OF WINDING DOWN, AND NO SERIOUS NEGOTIATIONS BETWEEN THE CONTENDING SIDES ARE IN PROGRESS. MOREOVER, THE INVOLVEMENT OF FIGHTERS FROM THE NORTH CAUCASUS ON THE SIDE OF THE ABKHAZ RAISES CONCERNS ABOUT FURTHER DETERIORATION OF STABILITY IN THE REGION, AND THE ROLE OF RUSSIA IN THE CONFLICTS.

OUR WITNESSES HAVE THE BACKGROUND AND EXPERTISE TO GUIDE US THROUGH THIS VERY TANGLED WEB OF INTERESTS. BEFORE I INTRODUCE THEM, I'D LIKE TO ASK CO-CHAIRMAN HOYER TO MAKE HIS OPENING STATEMENT.

STATEMENT BY REP. STENY H. HOYER
CO-CHAIRMAN, HELSINKI COMMISSION
HEARING ON TRANSCAUCASUS
MARCH 8, 1993

THE PREVALENCE OF CONFLICTS BETWEEN PROPONENTS OF SELF-DETERMINATION AND GOVERNMENTS INSISTING ON TERRITORIAL INTEGRITY HAS MADE TRANS-CAUCASIA BOTH AN OBJECT OF ANXIOUS ATTENTION AND A WARNING SIGN. SADLY, THIS REGION -- AT LONG LAST INDEPENDENT -- HAS BECOME SYNONYMOUS WITH ETHNIC CONFLICT, TERRITORIAL DISPUTES, AND INSTABILITY.

THE RESULTS HAVE BEEN TERRIBLE IN HUMAN COST. AT THE BEGINNING OF 1992, NEWS REPORTS ESTIMATED THAT 2000 PEOPLE HAD BEEN KILLED IN THE NAGORNO-KARABAKH CONFLICT. TODAY, THE STANDARD FIGURE CITED IN NEWSPAPERS IS 3000, BUT IT IS BELIEVED THAT THE REAL NUMBERS ARE PROBABLY FAR HIGHER. IT IS EQUALLY DIFFICULT TO ASCERTAIN HOW MANY CASUALTIES HAVE BEEN CAUSED IN CONFLICTS IN GEORGIA SINCE 1990, BUT CERTAINLY WELL OVER 1000 HAVE DIED. MANY MORE HAVE BEEN WOUNDED, AND HUNDREDS OF THOUSANDS HAVE BEEN MADE REFUGEES ALL OVER TRANS-CAUCASIA.

SOME HAVE ARGUED THAT THE NATURAL CONDITION OF THE REGION IS WAR, AND ONLY THE IMPOSITION OF A PEACE THAT STIFLES EXPRESSIONS OF NATIONAL IDENTITY CAN ENSURE STABILITY. I WOULD NOT LIKE TO BELIEVE THAT, AND I AM NOT PREPARED TO ACCEPT IT. BUT THE NEWLY INDEPENDENT STATES MUST SAFEGUARD THEIR INDEPENDENCE BY FINDING A WAY TO DEAL RESPECTFULLY AND RESPONSIBLY WITH THE NATIONAL MINORITY ISSUE AND RESOLVE OUTSTANDING DIFFERENCES PEACEFULLY.

CERTAINLY IN HUMAN TERMS, IT WOULD BE BEST TO DO SO QUICKLY. IT HAS NOW BEEN OVER FIVE YEARS SINCE THE LATEST PHASE OF THE NAGORNO-KARABAKH CONFLICT ERUPTED. IT MUST SOON COME TO AN END THROUGH NEGOTIATIONS LEADING TO A PEACEFUL SETTLEMENT. WE HARBOR THE SAME HOPES FOR THE GEORGIAN -- ABKHAZ CONFLICT. IF CSCE NEGOTIATIONS CAN BRING THESE CRISES TO A RESOLUTION, THE HIGH EXPECTATIONS OF MANY REGARDING THE CSCE'S ROLE IN THE POST COLD WAR WORLD WILL BE VALIDATED, AND THE EXAMPLE OF SUCCESSFUL NEGOTIATION WILL SERVE AS A MODEL FOR OTHER CONFLICTS IN THE FORMER USSR AND EASTERN EUROPE.

OTHERWISE, THE BLOODSHED CONTINUES INDEFINITELY, THE DANGER OF A LARGER WAR BECOMES MORE REAL, OR AN EXTERNAL POWER ATTEMPTS TO REINSTATE AN IRON GRIP ON THE REGION IN THE NAME OF RESTORING PEACE. NONE OF THESE OPTIONS ARE SOUGHT BY THE PROTAGONISTS. BUT THEY COULD VERY WELL MATERIALIZE.

STATEMENT BY THE REPRESENTATIVE ANNA ESHOO
BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE
HEARING ON THE TRANSCAUCASUS REGION OF THE FORMER
SOVIET UNION
MARCH 8, 1993

I would like to thank the Chairman, Congressmen Hoyer and Senator DeConcini, for holding these hearings today on such a critical issue.

With good reason, our country is consumed with its' own economic and domestic problems. When we do turn our attention beyond our borders, it is mostly toward the war torn former Yugoslavia and the famine-stricken Somalia.

While these crises certainly merit our attention, another tragedy is unfolding in the Transcaucasus region of the former Soviet Union and the extent of human suffering that is occuring there is nothing less than shocking. It is ironic that the first countries to exercise their independence from the Soviet Empire -- in hopes of a better quality of life -- are now in the throes of economic ruin and human misery.

Things that we take for granted, like running water and electricity, are now luxuries in Armenia. The suffering has reached such epic proportions that when children had to stay home from school for the second winter in a row due to lack of heat, a doctor said that it was probably better that they stayed home because it prevent ed the spread of dysentery. Dysentery and other stomach ailments are spreading throughout the provinces in Armenia due to a poor diet.

And the hospitals do not have the resources to deal with infectious diseases. Indeed, only a third of Armenia's hospitals are open, and more often than not, they are operating without electricity and running water. And while millions in Armenia suffer, the death toll in Nagorno-Karabakh has reached 3000 and the war seems to be widening to areas outside Nagorno-Karabakh. To date , every effort to end this horrible situation has failed and human suffering throughout the entire region continues.

I commend the Helsinki Commission for being the leader in the effort to peacefully conclude this conflict. And I look forward to hearing testimony from our distinguished panel. Thank you.

STATEMENT
SENATOR LARRY PRESSLER
THE HELSINKI COMMISSION HEARING: EXAMINATION OF THE TRANSCAUCASUS REGION
MARCH 8, 1992

Mr. Chairman, the Transcaucasus region of the former Soviet Union has faced continual bloodshed and war-ravaging conflict since the collapse of communism. Armenians are facing some of the most critical days in their history. With the independence of Armenia, the war in Karabakh, the flight of more than 500,000 refugees from Azerbaijan, and the homeless victims of the 1988 earthquake, the republics of the former Soviet Union face unprecedented challenges.

Armenians and Azeris have sharp disagreements regarding their history, goals, cease-fires, and the roles of outsiders. These differences have frustrated mediation attempts and caused violence, bloodshed,

and mutual expulsion of rival nationals. Since the December 1991 demise of the Soviet Union, the conflict has intensified. The casualties include more than 3,000 dead, and are mounting daily.

As a result of Azerbaijan's blockade of Armenia, food and fuel are in desperately short supply. Such shortages are creating severe hunger, suffering, violence, and death. I support U.S. initiatives--accompanied by U.N. support--to resolve the political and diplomatic crises that darken Armenia's future. Those crises continue to risk prolonged military tensions throughout the Transcaucasus region.

Recently, along with several of my colleagues, I sent letters of concern to U.N. Secretary-General Boutros Boutros-Ghali, Secretary of State Warren Christopher, and Turkish Ambassador Nuzhet

Kandemir. These letters are part of a growing Congressional effort to help bring an end to the extraordinary human suffering now occurring in Armenia. In the days ahead, I will continue to pursue humanitarian efforts to thwart the tragedies in Armenia and the rest of the Transcaucasus region.

STATEMENT OF AMBASSADOR JOHN J. MARESCA
SPECIAL NEGOTIATOR ON NAGORNO-KARABAKH
DEPARTMENT OF STATE

BEFORE THE COMMISSION
ON SECURITY AND COOPERATION IN EUROPE

MARCH 8, 1993

STATUS OF CSCE NEGOTIATIONS ON NAGORNO-KARABAKH

INTRODUCTION

Mr. Chairman, Mr. Co-Chairman, members of the Commission o Security and Cooperation in Europe, and distinguished guests. It is an honor and a privilege for me to appear before you today to discuss the status of CSCE negotiations on Nagorno-Karabakh. I have just returned from the latest round of meetings in Rome on Nagorno-Karabakh, and I appreciate the opportunity to report to you where things stand in the negotiations, how we got there, and where we hope to go.

BACKGROUND

The current conflict over Nagorno-Karabakh (N-K) broke out in 1988 when the Armenian majority in this region of Azerbaijan began calling for the separation of N-K from Azerbaijan. Over four years of fighting have cost several thousand lives and created hundreds of thousands of refugees. Rail, gas, and electricity blockages have created great hardship in N-K, Armenia, and the Azerbaijani region of Nakhichevan. Recent escalation, combined with the interests of neighboring states, give this conflict a dangerous potential to spread and to draw in other countries. Both Armenia and Azerbaijan have freely-elected governments, and both have expressed a desire to establish market economies.

THE MINSK PROCESS

In March 1992, the CSCE foreign ministers created the "Minsk Conference on Nagorno-Karabakh." Armenia, Azerbaijan,

Belarus, Czechoslovakia, France, Germany, Italy, Russia, Sweden, Turkey, and the U.S. were named as participants. Its objective was -- and still is -- to establish a ceasefire and to open political negotiations on the ultimate status of Nagorno-Karabakh. Belarus volunteered its capital as a site for talks, hence the name "Minsk Conference." Preparatory meetings of the Minsk Group have been held in Rome. When the peace conference formally opens, it will be in Minsk. I have been the U.S. representative in these negotiations.

Under the chairmanship of former Italian Deputy Foreign Minister Mario Raffaelli, Minsk Group meetings were held over the summer and early fall in Rome. We have often come close, but have not yet reached agreement on a full ceasefire with international monitors and the formal opening of the conference. A parallel military experts group was also established to work out deployment plans for a CSCE ceasefire monitoring mission. The September Minsk Group meeting collapsed under the weight of demands from the parties for which compromises could not be found. Chairman Raffaelli's attempts to establish a date for a suspension of military activities in September also failed.

Under U.S. instigation, informal consultations over the course of the next few months led to agreements in December and January on the basic elements for a ceasefire, monitoring, and the opening of the Conference, but events on the ground caused these agreements to unravel. Nevertheless, the U.S. and others continued to seek ways to move the process forward.

The second round of Minsk Group meetings was held February 26-March 1 in Rome. After arduous negotiations, the group reached agreement on the following: 1) a draft Terms of Reference for the CSCE monitor mission to be set up in the area as soon as a ceasefire is established; 2) a request to the CSCE Chairman-in-Office to dispatch a team of experts to prepare for the mission; and 3) an additional Minsk Group meeting in early April to agree on further peace-process documents, including a timetable with dates for a ceasefire, deployment of the CSCE ceasefire-monitoring mission, and convening of the Minsk Conference. The Terms of Reference for the monitor missions will now go to the CSCE for formal approval. We will need the support of all members of the CSCE in order to put together and finance the monitor mission. This will be the first time the CSCE has ever undertaken the monitoring of a ceasefire.

The Minsk Group's achievement is a crucial first step on the way towards a ceasefire and peaceful resolution of the Nagorno-Karabakh conflict. But there is much hard work ahead. The full CSCE will now take up the Minsk Group's recommendations. Preparations must also be made for deployment of the team of experts as soon as possible and for the monitor mission as soon as a ceasefire is established. Consultations must continue on the timetable for the ceasefire and convening of the Minsk Conference. The U.S. will continue to press for formal agreement on all these matters as soon as possible and will work toward that end. If all goes according to plan, this could be achieved by late April.

U.S. SUPPORT FOR THE CSCE NEGOTIATIONS

The U.S. fully supports the CSCE Minsk process as the best vehicle for finding a peaceful, negotiated resolution of the Nagorno-Karabakh conflict. We do not believe any lasting settlement can be reached through ceasefire guarantees or outside enforcement action. The U.S. seeks a legitimately-mandated international effort, which the CSCE provides. We have played a major role in maintaining the momentum of the CSCE negotiations. When, at various points, the Minsk Group reached an impasse, we stimulated informal consultations to revitalize the negotiations. To support the process further, the U.S. has offered to supply up to two million dollars' worth of long-distance airlift for the CSCE preparatory and monitor missions. In this connection, I would like to make clear that, while we are willing to supply airlift, the U.S. will not have U.S. military personnel on the ground in the area as part of a permanent monitoring force.

As the U.S. negotiator on Nagorno-Karabakh, I fervently hope that all our efforts will bring peace to this troubled area, where war continues to ravage the civilian population and create thousands of refugees. With worsening shortages of food and fuel, winter has dramatically increased the suffering. The U.S. is supplying humanitarian aid and encouraging others to do the same, but as long as the parties seek a military solution to the conflict, their peoples will bear the burden. Only a peaceful, negotiated resolution will free the peoples involved to realize their full potential in the post-Cold War era.

The U.S. does not take sides in this conflict. We condemn the use of force by all, and strongly urge the parties to resolve the dispute through good faith negotiation in the CSCE Minsk process. Following the success of the latest Minsk Group meeting in Rome, we particularly urge the parties to exercise restraint and to refrain from any further military actions that would jeopardize the process at this critical time.

Mr. Chairman and Mr. Co-Chairman, let me thank you once again for the opportunity to appear before this commission to describe the status of CSCE negotiations on Nagorno-Karabakh and U.S. support for these efforts. I would welcome your questions.

STATEMENT
by
Hafiz Paşayev
Ambassador
of
The Republic of Azerbaijan

Prepared for Delivery
before the
Commission on Security and Cooperation in Europe
Washington, DC

March 8, 1993

Good afternoon, my name is Hafiz Paşayev. I am in my first month as the ambassador to the United States for the Republic of Azerbaijan. I wish to thank the committee for inviting me to participate in today's discussions of the situation in Nagorno-Karabakh.

As most of you know, a tentative agreement was reached during the CSCE-sponsored talks in Rome over Nagorno-Karabakh. Described as "Terms of Reference for a CSCE Advance Monitoring Group," it provides for the deploying of foreign observers on the soil of the former Soviet Union. Their mission will be to monitor compliance with a cease-fire arrangement.

This agreement is truly a welcome development. All of the fighting in this long and terrible conflict has taken place on Azerbaijani soil, and the former Soviet territory on which these observers will be deployed is the soil of the Azerbaijani people. From the outset of the talks, Azerbaijan has sought, not merely accepted, such a deployment. This position is one of

many demonstrable steps that are unequivocal evidence of our desire for a peaceful resolution of this terrible conflict.

Azerbaijan has also endorsed the disarmament and disbanding of uncontrolled armed groups, the disengagement of forces, the control of heavy weapons to preclude their use, as well as the other provisions of the terms of reference. We hope the steps taken toward peace in Rome bode well for the people of both Azerbaijan and Armenia, for the region, and for the world.

The conflict over Nagorno-Karabakh is about neither religion nor minority rights. Azerbaijan is a Western-style secular democracy. It is the first of the independent republics of the former Soviet Union to enact legislation guaranteeing full civil rights, including religious, ethnic, linguistic, cultural, and political rights for all its citizens. More than 70 ethnic groups live in Azerbaijan, including Russians, Armenians, Jews, Kurds and others. The rights of all are protected. Azerbaijani President Abulfez Elchibey, a man whose lifelong commitment to democracy cost him three years in Soviet prison, has signed and is committed to complete implementation of legislation providing full cultural autonomy for all minorities everywhere in Azerbaijan.

No, the true nature of the conflict over Nagorno-Karabakh is territorial. The roots of this conflict, both historical and immediate, lie in ultra-nationalistic impulses of powerful extremist movements to expand

Armenia's current borders at the expense of its neighbors. Such an effort, carried out against Azerbaijan by force of arms and by legislative acts of the Armenian parliament, is contrary to all international law respecting the territorial integrity of sovereign states and finds no basis in the history of the region.

At the end of World War I, the Versailles Peace Conference recognized the independent states of Azerbaijan, Armenia and Georgia. As an independent state, Azerbaijan set about to establish, in 1918, the first democratic and free market nation in the Near and Middle East. At the same time, newly independent Armenia promptly declared war on Georgia and Azerbaijan in order to expand its territories, and to assert a territorial claim to Nagorno-Karabakh. But this same Versailles Conference that recognized the independence of Armenia and Azerbaijan, also recognized that Karabakh, along with Nakhichevan and Zangezur, were integral parts of Azerbaijan. The international community has always recognized Karabakh to be an integral part of Azerbaijan, and has never recognized it as either a part of Armenia or as an independent Armenian state.

Nagorno-Karabakh remained a part of Azerbaijan even after the Democratic Republic of Azerbaijan lost its independence in 1920 upon its forcible incorporation into the Soviet Union. Zangezur, on the other hand, was carved from Azerbaijan by Joseph Stalin and ceded to Armenia. This

left the larger part of Azerbaijan completely separated from Nakhichevan, another area of Azerbaijan, by this newly created Armenian territory.

Both the old constitution of the former Soviet Union and the new Treaty of the Commonwealth of Independent States -- of which Armenia voluntarily is a member -- have recognized Nagorno-Karabakh's legal status as an integral part of Azerbaijan. Neither constitution has ever recognized Nagorno-Karabakh as a part of Armenia, or as an independent Armenian state.

When the Armenian-dominated regional parliament of Nagorno-Karabakh voted on February 20, 1988, to secede from Azerbaijan and unite with Armenia, the Supreme Soviet of the USSR rejected this demand as illegal, based on the USSR Constitution of 1977 then legally in force. The declaration by ethnic Armenian citizens of Azerbaijan residing in Nagorno-Karabakh of a so-called "Nagorno-Karabakh Republic," the 1989 resolution adopted by the parliament of the Republic of Armenia on unification of Nagorno-Karabakh with Armenia, and Armenia's continued occupation and use of force against Azerbaijani territory, are in direct and open violation of the Commonwealth treaty into which Armenia freely entered. (By the way, Azerbaijan is not a member of the Commonwealth.) More important, these steps and Armenia's other hostile acts against neighboring Azerbaijan for the purpose of territorial aggrandizement are also in violation of the U.N. Charter, U.N. resolutions, and the internationally recognized principles set

forth in the Helsinki Final Act, adopted by the CSCE. The Helsinki Final Act rejects the threat or use of force against the territorial integrity and political independence of any state. With the collapse of the Soviet Union, both NATO and the Helsinki signatories declared the existing borders of the republics of the former Soviet Union should not be changed by the use of force.

Today, regular and irregular Armenian military forces occupy large portions of the internationally recognized territory of the Republic of Azerbaijan. These forces continue to seize Azerbaijani villages in addition to the 250 towns and villages they already occupy. Of these, 56 had preponderately Azerbaijani populations, all of which were expelled in ethnic cleansing operations. Indeed, all of the fighting has taken place on Azerbaijani territory, bringing death and destruction to all those men, women and children who have been caught in its horrors.

In contrast, Azerbaijani forces do not now, nor have they ever, sought to occupy one inch of the territory of Armenia.

These actions by Armenian and Armenian-backed forces have created over a half million Azerbaijani refugees: approximately 300,000 Azeri, ethnic Russian, Kurdish, and other citizens of Azerbaijan have been driven from their homes in Azerbaijan (including 60,000 from Nagorno-Karabakh) by Armenian forces to become refugees in their own country. An additional 200,000 ethnic Azeris have been driven from homes and

farms they and their forebears occupied for generations in Armenia and are now refugees in multi-ethnic Azerbaijan. While significant numbers of Armenians continue to reside in Azerbaijan as citizens of Azerbaijan (albeit at fewer numbers than before the conflict began), Armenia has been emptied of Azeris.

Armenian militants are also continuing their blockade, first imposed in 1989, against the Azerbaijani territory of Nakhichevan which is separated from Azerbaijan by Armenian territory.

In response to continued aggression against its citizens and territory, and to the Armenian blockade of Nakhichevan, Azerbaijan has been forced to suspend economic ties with Armenia. The term, "blockade," when used to describe Azerbaijan's action, completely obscures an obvious fact that an invader cannot expect that those who are invaded and are the victims of ongoing military assault should readily conduct trade and commercial activities with the invader on a "business-as-usual" basis. When the invader is using scarce economic resources to sustain a deadly military campaign of conquest that takes Azerbaijani lives and territory daily, Azerbaijanis ought not to be expected to collaborate in their own destruction. In any case, of all the means available to meet Armenian aggression, the suspension of economic ties is by far the most humane. Consider, for example, that Azerbaijan has not launched a counter offensive to seize Armenian territory to alter the military balance.

Over and over, we have witnessed on television tragic scenes of suffering in Armenia stemming from economic shortages there. The suffering is genuine, and I do not mean to belittle it. I am deeply regretful of all the pain that this conflict is bringing to people of the entire region. But, I am puzzled that there has been so little reporting of Azerbaijan's motivations in suspending economic ties or of the initial Armenian blockade of Nakhichevan. Furthermore, Azerbaijan accounts for less than one-half of Armenia's borders. Armenia shares borders with Iran, Turkey, and Georgia, as well.

Azerbaijan has permitted humanitarian assistance to reach Armenia, only to discover that such assistance, rather than going exclusively to the relief of civilians, is instead being used by Armenian forces occupying Azerbaijani territory and which are continuing attacks on the citizens of Azerbaijan.

Even as the most recent round of talks in Rome were about to begin, Armenians attacked and seized 18 additional villages and killed scores of Azerbaijanis. Among the Armenian forces were elements of the Russian Seventh Army.

Indeed, the history of Russian involvement in this conflict has been, to say the least, troubling. As the Soviet Union was in its final stages of dissolution, Moscow stationed troops in our capital, Baku, imposed martial law, and prevented democratic elections from taking place.

Yet no such restrictions were placed on Armenia. While Azerbaijan remained sealed off from contact with the rest of the world under the weight of Soviet martial law, Armenia was purchasing weapons on the world market and obtaining weapons from Soviet troops still stationed there. Russian troops were also involved in the worst atrocity to take place in this conflict: the 1992 massacre by Armenian militants of about 1,000 Azerbaijani civilians from the town of Khojaly.

Today, as always, the people and government of Azerbaijan remain convinced that neither side can win this war. The hostilities in Nagorno-Karabakh have already taken far too great a toll in human suffering and misery from <u>both</u> sides. The people of Azerbaijan welcome the progress made in Rome toward stopping the bloodshed. Indeed, they have contributed by far the greater portion of that progress, bearing in mind their expressed readiness to resume commercial, transportation and communication ties <u>as part of</u> the cease-fire arrangements <u>and prior to</u> resolution of the status of Nagorno-Karabakh. We look forward to the international conference in Minsk that will resolve the status of Nagorno-Karabakh in a way consistent with international law. Peace will come not through force of arms, but can be achieved through a negotiated settlement based on international law, guarantees of basic human rights, minority rights, and respect for the principle that the territorial integrity and

international borders of sovereign countries cannot be changed by force of arms.

The United States, not only as a CSCE member, but also as the world's sole remaining superpower, has a particular responsibility to look soberly, unsparingly, and with impartiality at the facts and history of this issue. Passions inflamed by ethnic partisanship should not be allowed to obscure them, irrespective of their source. The preconceived and prejudicial notions reflected in the Freedom Support Act and in pending House Resolution 86 are at odds with fulfillment of this responsibility. They reduce a complex situation to a one-sided caricature of the present conflict. For us, the penalty embodied in the conditions which the Act imposed soley on Azerbaijan was not economic, not the denial of assistance. It was the rebuff of a people who have opted to build a multi-ethnic, diverse, secular representative democracy. Our new republic is proof that the best values of the West can take root in countries with diverse religious and historical traditions.

During the long decades of Soviet rule, our people were forced to conceal the respect and admiration they held for the United States as a symbol of the strength and possibilities of the democratic ideal. This respect helped sustain their belief in democracy during the darkest periods. Now, as they finally begin to realize their own democratic aspirations, many see the Freedom Support Act amendment as a repudiation of the faith they

have placed in the American model. But I do not believe that the resulting disillusionment is too far along to be irreversible.

A peaceful, prosperous future beckons to both Armenia and Azerbaijan. If it is to be realized, this conflict must be resolved peacefully. Impartial, vigorous encouragement by the United States will be a necessary condition for its resolution. But a skewed involvement will almost certainly fuel intransigence on the part of the "favored" side. In all likelihood this would doom prospects for a settlement and for the promising future in which not only the parties and the region, but for all we know, the whole world, have crucial stakes.

* * *

3/8/93

PREPARED STATEMENT

of

Mourad Topalian

Chairman of the Armenian National Committee of America

before the

Commission on Security and Cooperation in Europe

Room G-50 Dirksen Senate Office Building

Washington, DC

March 8, 1993

Mr. Chairman, Members of the Commission, my name is Mourad Topalian and I am the National Chairman of the Armenian National Committee of America (ANCA). The ANCA is a grassroots political organization with a network of chapters and affiliated community organizations throughout the United States. Through its Washington and regional offices, the ANCA organizes nationwide political action on issues of concern to the Armenian American community.

Mr. Chairman, the ANCA appreciates this opportunity to testify before the CSCE and is pleased that this body is focusing much needed attention on the critical situation in the Caucasus.

Along with my testimony I would like to submit, for the record, a report on the situation in Karabagh prepared by the Geneva office of the Human Rights Advocates. This report comprehensively details the evolution of the crisis in Karabagh and offers some valuable suggestions to help resolve the conflict. I am confident the Members of the Commission will find it extremely helpful.

Mr. Chairman, the CSCE meetings in Rome have just concluded. While we still lack an extensive analysis about the success of these sessions, we have been informed by the Armenian delegation that the outcome is generally positive. However, while we are hopeful that the agreements produced in these meetings will enable the convening of the Minsk Conference, given past difficulties, we remain cautious about labeling the meetings a success.

While the Caucasus may not be as well known as some other regions that dominate today's headlines, it has, throughout history, been an area highly coveted by neighboring powers. This region was also a source of great economic benefit to the former Soviet Union and remains a strategic link between Europe, Russia, the Middle East and Central Asia. Contrary to popular belief, in the past, the nations of the Caucasus have enjoyed prolonged periods of peaceful coexistence. Unfortunately, more recently, territorial conflicts, exacerbated by outside intervention, have served to destabilize the region.

Our task today is to explore the possible avenues toward an equitable and lasting solution to the conflict in the Caucasus. Only when the underlying causes of this conflict are identified and effectively addressed will we witness a return to stability to this strategically vital region for the U.S. For the powers surrounding the region, the Caucasus is the gateway to the Middle East and Central Asian republics. Along with Central Asia, today it has become the focal point of a competition for influence among Russia, Turkey and Iran. As such, an examination of the relevant historical background into the conflict allows us to better understand the forces at work in the region.

SOURCES OF THE KARABAGH CONFLICT:

Karabagh, and the larger surrounding lowlands have been part of Armenia for more than two millennia and this part of the region has been primarily inhabited by Armenians since

ancient times. It was part of the Russian Empire until its disintegration as a result of the Russian Revolution in 1917. On May 28, 1918, Armenia declared independence over all Armenian territories and provinces. During the ensuing two years, Karabagh came under continuous attack by Turkish and Azerbaijani forces. The people of Karabagh resisted the attacks, in the process, paying a heavy price. Throughout Karabagh, Armenians, particularly those from the city of Shushi, fell victim to massacres during the continuous onslaught. In 1921, after the joint Turkish and Soviet takeover of the lower Transcaucasus, Karabagh was arbitrarily transferred by Joseph Stalin, to Soviet Azerbaijan's administration, thereby creating artificial fragmentation in the region. During the seventy years that followed, Karabagh existed as an autonomous Soviet district, in which the cultural, economic and civil rights of the Armenians were guaranteed on paper by the Soviet and Azerbaijani constitutions. Despite these guarantees, while under the control of Azerbaijan, the Armenians of Karabagh were subjected to widespread discrimination and routine denial of those same rights. During that period, the Armenian majority in Karabagh, which, according to most estimates, ranged from 85 to 90 percent of the population, repeatedly petitioned the central government in Moscow to address the inequities of Azerbaijani rule. Unfortunately, these grievances were ignored. Despite Moscow's unwillingness to address these grievances, the people of Karabagh remained dedicated to the pursuit of their constitutional and human rights.

In 1988 the people of Karabagh responded to this pattern of persecution by opting for self-determination. The Azerbaijani leadership responded by instigating a series of pogroms against the Armenian communities in Azerbaijan. From 1988 to 1990, large numbers of civilians in Sumgait, Baku and Kirovabad were murdered by organized gangs, assisted by the Azerbaijani police. The confiscation and destruction of the homes of Armenians in Azerbaijan forced half a million Armenian citizens of Azerbaijan to flee to safety in Armenia, Russia and the West.

Further exacerbating the situation, in 1988, Azerbaijan began a devastating economic blockade of Armenia and Karabagh. The blockade, now entering its fifth year, deprives Armenia and Karabagh vital supplies of food and fuel and remains a clear violation of international law. The Azerbaijani blockade has been condemned by the U.S. Congress, as set forth in the Freedom Support Act and signed into law by President Bush in October of last year; by a statement made by President Clinton on August 13, 1992, and; by a resolution passed by the European Parliament on January 21, 1993. Despite the international outrage the Azerbaijani government has chosen to ignore the world community and continues to impose the devastating blockade.

Thus, with the fall of the Soviet Empire the question of Karabagh once again emerged. The Armenian response was peaceful demonstrations in Stepanakert and Yerevan while Azerbaijan sought to assert its claim to Karabagh by conspiring with reactionary elements within the hard line Soviet leadership, the same elements which would later support the coup against Mikhail Gorbachev.

Taking into account decades of enduring human rights violations, repeated pogroms and deportations, and realizing that the repeated condemnations by the international community had been ignored by Azerbaijan, the leadership of Karabagh concluded that promises of cultural autonomy were not viable long term solutions to the question of their survival. The leadership of Karabagh was also convinced that reunification with Armenia would raise regional and international complexities that would cloud the underlying problem fueling the Karabagh issue.

As a result, the people of Karabagh, exercised their right to self-determination and opted for independence. By choosing independence, the Karabagh leadership acted responsibly and in accordance with the Soviet Constitution of the time, respecting not only the aspirations of the people of Karabagh, but also the genuine regional stability concerns of the international community. Independence, was indeed the most reasonable solution in the interest of peace, a point which should be appreciated by the powers in the region.

THE ROLE OF TURKEY:

Mr. Chairman, one must also emphasize, with regret, that the Republic of Turkey has contributed to the lack of stability in the region by pursuing a policy of active favoritism toward Azerbaijan, needlessly delaying relief supplies destined for Armenia and procrastinating in the establishment of normal diplomatic relations with Armenia. What follows are only two of many instances in which Turkey needlessly interfered with the transportation of humanitarian assistance to Armenia.

This past August, a U.S. military cargo plane carrying food and medicine from the U.S. to Armenia was denied permission to fly over Turkey to deliver supplies to Yerevan. Instead the plane was forced to take a circuitous route around Turkey. In fact, even after the plane had to take a far longer route over the Czech and Slovak Republics through the Ukraine and Georgia, Turkey refused to allow the empty C-5 to return from Armenia through Turkish airspace. Turkey's refusal to allow our plane passage over its airspace needlessly cost the U.S. taxpayers tens of thousands of dollars and denied the men, women and children of Armenia the immediate use of badly needed humanitarian cargo.

On February 15, 1993, David Heemsbergen, the representative in Armenia for Volunteers in Overseas Cooperative Assistance (VOCA), stated in the Boston Globe that the European Community has been sending wheat to Armenia through Turkey but "the Turks have been exchanging the EC's wheat for their own wheat - and their own wheat is crap." Armenian Government authorities have stated that the wheat is of such poor quality that it cannot be digested and has caused many Armenians to be hospitalized.

Turkey's repeated interference with desperately needed humanitarian cargo destined for Armenia has reached a point where, in August of 1992, soon after the C-5 incident, the U.S. State Department was compelled to intervene in order to assure that U.S. military planes and ships, carrying relief supplies to Armenia could arrive in a timely and cost effective manner. Obviously, such actions do not promote good neighborly relations with

Armenia. Furthermore, they do not support the assumption of a positive role that the U.S. would expect Turkey to play in the region.

Mr. Chairman, let me point out that, with the exceptions of Israel and Egypt, over the past 40 years Turkey has received more US aid, grants and military assistance than any other nation. This is the investment the American taxpayer has made in Turkey. We strongly believe that the same taxpayer has the right to expect Turkey to not interfere with clearly marked American humanitarian aid. Furthermore, we should demand that Turkey refrain from fueling Pan-Turkic emotions in Azerbaijan and elsewhere by playing host to extremist elements in the region.

Turkish technical and personnel support for Azerbaijan's military campaign against Armenia and Karabagh has also served to embolden the Azerbaijani leadership to continue its commitment to enforce a military solution to this crisis. I cite as one example an article which recently appeared in the Turkish press. On December 20, 1992, The Turkish newspaper, 2000 Ikibine Dogru, revealed that the Turkish Chief of Staff was looking for qualified Turkish officers to serve in Azerbaijan in order to strengthen and train the Azerbaijani Army. Those officers who served would be paid $7,500.00 a month, almost entirely from a "covert fund" administered by the Turkish Chief of Staff. In fact, Agence France Presse reported last month, that Azerbaijan's Chief of Staff, Nureddin Sadikov had visited Turkey with the hope of increasing military cooperation between the two countries and building Azerbaijani's armed forces so that they may be on par with those of Turkey. In addition, the Turkish government has made no secret of their training of Azerbaijani soldiers in Turkish military academies, attendees of which will later form the officer corps of the Azerbaijani Army. Indeed, sources in the region indicate that Azerbaijani special forces are currently being trained in Turkey.

In an era when the international community is attempting to demilitarize the former Soviet republics, Turkey continues its buildup and Azerbaijan, with the assistance of Turkey, is building a military machine at an alarming rate. If Azerbaijan continues to rapidly build its military, other nations in the region will be compelled to keep pace with their own military escalation. With the assistance and guidance of Turkey, Azerbaijan is setting the pace for a regional arms race. This scenario begs the question, why, at a time where the U.S. is promoting the reduction of military arms, is Turkey purchasing massive amounts of Russian military equipment? Especially given the fact that, its military force is built on NATO systems. The result of this policy will be escalating turmoil in this highly sensitive region.

On the diplomatic front, Turkey and Azerbaijan have damaged the prospects for peace by their repeated refusal, as CSCE members, to allow the full participation of the people of Karabagh, in the peace process. Contrary to the Turkish and Azerbaijani positions, it has become increasingly clear to the international community that there can be no peace in the region without the meaningful participation of the elected representatives of Karabagh.

The active involvement of Turkey has caused predictable anxiety among the regions other powers. In May of last year Turkish President Turgut Ozal intimated that Turkey should invade Armenia in order to "scare them a bit." President Ozal's highly charged rhetoric prompted Russia's Commander in Chief, Yegivny Shaposhnikov, to ominously state that Turkey's intervention in the conflict could be the catalyst for World War Three.

The United States does not need its NATO ally to contribute to the deterioration of the situation in the Caucasus by making inflammatory statements or by participating, defacto, in the boycott of Armenia.

THE ROLE OF GEORGIA:

Georgia is also being drawn into the conflict. The Republic of Georgia, which is rife with civil strife, has been warned by Azerbaijan that it must discontinue rail and fuel traffic to Armenia if it wants to continue to receive oil from Azerbaijan. Far more disturbing, over the past six weeks the natural gas pipeline from Georgia to Armenia, the last operating fuel link to Armenia, has been blown up four times. In each case, the explosion occurred in the Azeri populated region of Marnueli, Georgia. Ethnic Azerbaijani's arrested as suspects involved in the first bombing were released by Georgian authorities, apparently due to pressure from the Azerbaijani government.

On February 26, 1993, the railway from Georgia into Armenia, the last operating rail link into Armenia, was blown-up, apparently by a remote control device. Once again, the explosion occurred in the Azeri inhabited Marnueli region of Georgia. The destruction of the railway threatens to undermine the attempt by the United States to deliver to Armenia goods donated by American corporations and the Armenian American community through the State Department initiated Operation Winter Rescue program.

These events, apparently orchestrated from outside of Georgia, threaten to embroil Georgia, which has extensive internal problems of its own, into the conflict already involving Armenia, Azerbaijan and Karabagh. Armenia and Georgia share a frontier, as well as a friendship, over which extensive economic exchanges are possible. Economic cooperation between nations will greatly enhance the hope for the restoration of stability in the Caucasus. All subversive acts of sabotage, which harm economic and political relations between nations in the Caucasus must be, in no uncertain terms, condemned by the U.S. and international community.

The international community must also shoulder some of the blame for the situation in the Caucasus. Since 1988, the international community was, on several separate instances, made aware that Karabagh was the testing ground for democracy in the region and was the key to regional stability. During that same period, several non-governmental organizations appeared before the United Nations Commission on Human Rights and Sub-Commission on Prevention of Discrimination and Protection of Minorities to detail the critical conditions which existed in Karabagh. Urgent pleas for the international community to become actively involved and push for corrective measures went unheeded.

Tragically, the Commission on Human Rights and its' Sub-Commission failed to even note the blatant human rights violations which took place, opening the door for further violations to occur. The opportunity to implement preventive diplomacy which may have averted the death and destruction which currently exists in Karabagh, were tragically ignored.

POSSIBLE SOLUTIONS:

The international community cannot expect to foster stability in the Caucasus under the current circumstances. Political and economic uncertainties caused by the blockade and fighting preclude, indeed endanger, the establishment of the stabilizing effects of democracy and economic reform. Therefore, to restore lasting order in the region, the sources of the regional conflicts must be dealt with in an equitable and realistic manner.

The first step toward restoring peace to the region is to lift the Azerbaijani blockade of Armenia and Karabagh. Last year the U.S. Congress passed the Freedom Support Act, restricting aid to Azerbaijan until the blockade of Armenia and Karabagh was lifted. In addition, the European Parliament also recently passed a resolution demanding that Azerbaijan lift the blockade. The international community, recognizing the destabilizing effect of the blockade, has unequivocally renounced Azerbaijan's blockade of Armenia and Karabagh. As the devastation caused by the blockade continues to mount the United States and its allies must seriously consider additional measures, including restrictions by international financial institutions on lending to Azerbaijan.

Another important step which must be implemented is the immediate transportation of humanitarian assistance to Armenia and Karabagh. In early December, the United Nations High Commissioner for Humanitarian Affairs warned that tens of thousands of Armenians are at risk of death by exposure and starvation due to the blockade. In order to assure the delivery of these relief supplies, international relief organizations, working in coordination with the United States and its allies, should accelerate efforts to secure safe and reliable transportation routes through Turkey, Georgia, Azerbaijan, and perhaps, even, Iran. Without immediate assistance to offset the effects of the blockade, Armenia could conceivably collapse, and in the process, take with it a substantial portion of the region.

The success of any peace initiative hinges upon the inclusion of the democratically elected representatives of Nagorno Karabagh. It is the destiny of the people of Karabagh that is being decided and therefore they must fully participate in any discussion concerning their future. The international community is well aware that one necessary component of effective conflict resolution is the inclusion of all peoples whose cooperation is required for the success of the peace plan.

Furthermore, the US should abandon its policy of advancing Turkey as its intermediary in the region. Turkey, alone among the powers in the region, by virtue of its demonstrated bias towards Azerbaijan, is ill suited to play such a role. In order to ensure lasting stability in the region, the cooperation of Russia and Iran, in addition to Turkey, are required. The

United States, as the undisputed world leader, could greatly contribute to the restoration of peace in the Caucasus and quite possibly pre-empt other currently brewing conflicts by taking the lead in convening such a summit. In the mean time, Turkey must respect international laws which allow for land locked nations to receive, in a timely manner, humanitarian aid from neutral third parties.

The United States and the international community should also reassess the international efforts to address the Karabagh issue. Thus far, negotiations in these settings have proven ineffective. The CSCE process, which is still in its formulative stage and has, thus far, been proven hopeful, but unsuccessful. The most recent CSCE meetings in Rome, has produced a more positive atmosphere, but not enough specifics. In spite of the positive environment which has emerged from the talks, they seem to rely on two future event; a bilateral agreement between Azerbaijan and Karabagh and a cessation of hostilities as a pre-condition to the future Minsk rounds. Therefore, we must wait and see if, indeed Azerbaijan is willing to take these reasonable steps necessary to bring about positive results. The international community must make every effort possible to see that this becomes a reality.

Alternative ideas for the resolution of this conflict should also be more thoroughly explored. One such possibility would be to hold an internationally supervised referendum on the status of Karabagh, the result of which would be binding on all the states involved in the conflict. Such a proposal is consistent with fundamental principles of democracy and self-determination.

Perhaps, the revitalization of the now latent U.N. Trusteeship Council may be another interim vehicle to assist in the resolution of this crisis.

Another possible avenue toward peace could be regional peace talks, which, again, would include the participation of the United States, the regional powers, including Iran, as well as all parties to the dispute.

We should keep in mind that the manner in which the Karabagh conflict is resolved will greatly determine the fate of other regional conflicts currently brewing in the former Soviet Union. It is in the interest of the international community to strive for a solution that is consistent with the democratic aspirations of the peoples of the Caucasus.

If Azerbaijan, by virtue of aggressive policies of military bombardment of civilian sites and blockade is allowed to prevail, the prospects for the growth of democratic principles in the Commonwealth of Independent States will be dealt a crushing blow.

If the core problems fueling the conflicts in the Caucasus are to be addressed, the United States and the international community must take seriously the people of Karabagh's decision to exercise their right to self-determination. The principle of self-determination of peoples is an integral part of the mandate of the United Nations and the CSCE. In United Nations Resolution 2625, adopted by the General Assembly on October 24, 1970, the

international community stated in no uncertain terms that the principle of territorial integrity, which Azerbaijan now maintains is being threatened, is dependent upon the existence of certain conditions. Resolution 2625 maintains that territorial integrity of a State is conditioned by the State conducting itself in compliance with its duty to promote universal respect for and observance of human rights and fundamental freedoms, including the principle of equal rights. Once a State ceases to represent equally the interests of all its peoples, then that state has the duty to refrain from forcible action which deprives the disenfranchised people of their right to self-determination, freedom and independence. Clearly, the determination of which group is entitled to self-determination should not be based on a single criterion, all subjective and objective factors must be taken into consideration. Historical factors must be considered seriously.

Mr. Chairman, there is a school of thought, promoted by the previous Administration, that the borders of the former Soviet Republics are not subject to review. Taking a position as categorical at the one stated, in our opinion, would be a serious mistake on the part of the United States. Insisting on such a position, Mr. Chairman, would be tantamount to the U.S. giving the stamp of approval to the borders established by Joseph Stalin, knowing full well that, since the death of Stalin, the Soviet government has itself many times altered borders.

The important thing, Mr. Chairman, is to improve on the existing artificial boundaries created by the Soviets that have, as evidenced by the events of the last few years, proven untenable. This is a noble challenge that the United States and the international community should accept, in the interest of stability and, indeed, in the interest of justice .

Mr. Chairman, this concludes my testimony. The ANCA looks forward to working with you and the Commission on these issues. Once again, I appreciate the opportunity to appear before the Commission today and would be pleased to answer any questions.

≡ HUMAN RIGHTS ADVOCATES

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NAGORNO-KARABAGH

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

21 January 1993

By
Hrair Balian

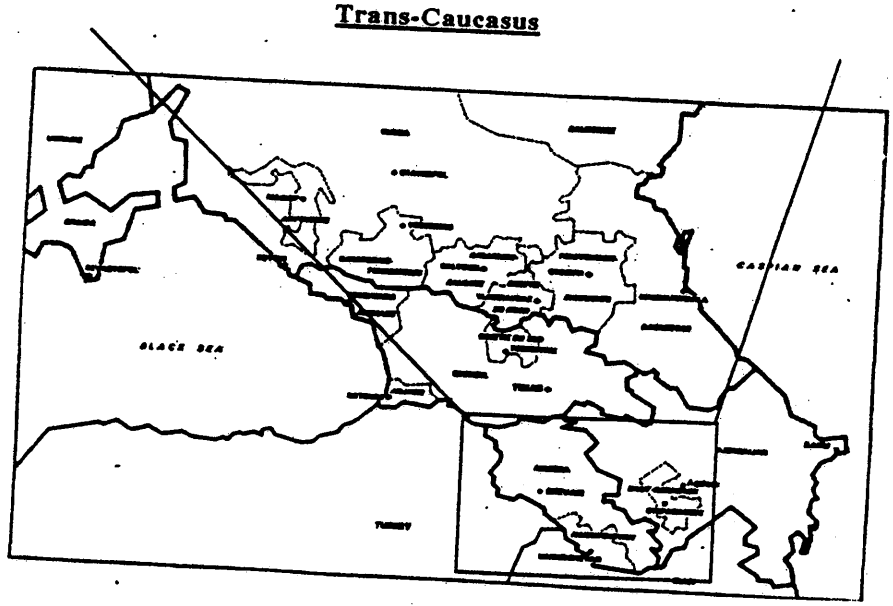
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NAGORNO-KARABAGH

By: Hrair Balian[1] 21 January 1993

I. Introduction

The emergence of independent states from the former USSR raises human rights concerns in four principal areas: the peaceful transformation of nationalities-conflicts; the building of democratic institutions to promote human rights and fundamental freedoms; the effective management of critical environmental problems; and the restoration of social-economic rights. Economic disarray is an underlying monumental problem which adversely affects each of the enumerated concerns.

The international community could assume a significantly constructive role in all four areas of concern by providing to the new republics technical as well as human resources assistance to overcome their difficulties. In particular, the international community could facilitate the peaceful transformation of nationalities-conflicts, thus heeding early warnings and helping to avert a proliferation of the conflicts as well as further bloody confrontations with dire human rights consequences.

Until 1991, the international community was inhibited from assisting the republics directly as the Soviet Union was considered the only subject of international law and human rights were considered a domestic concern by the Union. Notwithstanding, the international community could have intervened constructively and assisted the Soviet Union to improve human rights conditions, the underlying cause of nationalities-conflicts. By failing to intervene, the international community in effect encouraged further human rights violations and resulting conflicts, providing anti-democratic forces an opportunity to heighten their assault against *glasnost* and *perestroika*, which culminated in the August 1991 attempted *coup d'état*.

Following the break-up of the Soviet Union and the emergence of the Commonwealth of Independent States (CIS), the republics have become subjects of international law and full members of the international community, including the UN, CSCE and other inter-governmental organizations. Thus, the international community is presented with new opportunities to help transform the intensifying and proliferating conflicts. Since February 1992, the international community, in particular the CSCE, has pursued more actively fact-finding and mediation missions in search of peaceful solutions to the Nagorno-Karabagh conflict, the most critical of the nationalities-conflicts within the CIS, a conflict which has claimed more than 4,000 Azeris and 3,500 Armenians killed during 1992 alone.

Human Rights Advocates is aware that at least half a dozen other conflicts have also erupted into bloody violence in the ex-USSR, in particular in the Trans-Caucasus. Because the Nagorno-Karabagh conflict is a characteristic case, the present working paper focuses on it within the broader context of nationalities-conflicts in the CIS, the international community's effort to mediate a peaceful settlement of the conflict, the development of democratic institutions in the new republics in the region, the devastating damage to humanitarian conditions caused by the blockade, and the threat this conflict presents to regional peace and security in the area as well as to human rights development.

II. Nationalities-Conflicts within the Former USSR and the Nagorno-Karabagh Conflict

A. Nationalities-Conflicts Defined

The USSR was made up of 15 national republics, 20 autonomous republics, 8 autonomous provinces or regions, and a score of autonomous areas in which coexist more than 100 nationalities crossing over many arbitrarily determined administrative and political subdivisions. Furthermore, groups were often subjected to population transfers to serve political ends.

Central authorities of the former Soviet Union attempted in vain to impose sweeping economic solutions to the nationalities-conflicts which failed to address the fundamental causes. Central authorities failed to appreciate that nationalities-conflicts in the USSR primarily involved disputes over the control of territories to achieve greater political and economic control to insure the future of the nation, including for example greater control on immigration and stricter environmental standards. In addition to underlying violations of human rights in general and discrimination in particular, the conflicts encompass struggles over the entire spectrum of rights ranging from minorities struggling to develop their cultural, linguistic and religious identity, to the right of nationalities or peoples to self-determination.

With the break-up of the Union and the independence of former Union republics, the nationalities-conflicts between the former center of the Union and the republics were resolved. However, conflicts between the republics as well as between republics and

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disenfranchised minorities within those republics have not yet been addressed and more conflicts in this area are inevitable. A recent estimate places the number of such conflicts, declared or latent, at eighty.[2]

B. NAGORNO-KARABAGH

1. Brief Historic Background

Nagorno-Karabagh was an Autonomous Province within Azerbaijan with a population of 188,000 (80 percent Armenian) and a territory of 4,400 square kilometers. The administrative status of this Autonomous Province provided the impetus for the bloodiest massacres in recent Soviet history, as well as the deportation and flight of the Armenian minority (350,000) from Azerbaijan, and the Azeri minority (150,000) from Armenia. While the deportation and flight of the Armenian minority from Azerbaijan was the result of repeated *pogroms* and grave human rights violations dating back to the 1920s, the flight of the Azeri minority from Armenia was the result of "mounting discrimination," isolated violence, and "well-founded fears that their situation could not but deteriorate" after the anti-Armenian *pogroms* at Sumgait and Kirovabad in Azerbaijan (February and October 1988).[3]

Nagorno-Karabagh (mountainous Karabagh) and the larger surrounding lowlands have been part of the Armenian homeland for more than two millennia. Azerbaijan claimed the region for the first time when it emerged as an independent state in 1918. However, the people of the region declared their wish to be part of Armenia. Soon after, the region was conquered by advancing Turkish armies but its people rebelled and rejected their new rulers. Eventually, the international community proclaimed the region a disputed territory until a peace conference could be convened. In 1921, by a decision of the Communist Party under the regional leadership of Stalin, a part of Nagorno-Karabagh was carved out arbitrarily, was separated from Soviet Armenia with a strip of territory and granted to Soviet Azerbaijan. Since then, Azerbaijan has pursued a policy of economic and social discrimination and political repression against the Armenians of Nagorno-Karabagh in an apparent attempt to force them out of the territory. Since the annexation of Nagorno-Karabagh to Soviet Azerbaijan, economic underdevelopment, social inequality, political repression and ethnic as well as religious discrimination have kept alive the Armenian majority's goal of reunification with Armenia. During those years, outbursts and conflicts have kept the region in a state of almost perpetual upheaval.

2. Petitions, Protests, *Pogroms*, Deportations

Armenians repeatedly petitioned Azerbaijani and central Soviet authorities for redress of their grievances. When petitions to President Gorbachev were ignored, Armenians took to the streets in massive yet peaceful demonstrations to demand redress. On 21 February 1988, the local government of Nagorno-Karabagh requested reunification with Armenia with a vote of 110 in favor, 17 against, and 13 abstentions. Azerbaijan responded successively with anti-Armenian *pogroms* (February 28 and October 1988, January 1990, April-May 1991). In January 1989, Soviet central authorities placed Nagorno-Karabagh under a Special Administration Committee of the USSR Supreme Soviet, ending, in effect, 68 years of Azerbaijani administration of the enclave. However, in November 1989, under pressure from Azerbaijan, the Special Administration Committee was dismissed and Nagorno-Karabagh returned to Azerbaijani administration. In December 1989, with conditions deteriorating, Armenians in and around Nagorno-Karabagh declared their enclave united with Armenia and elected representatives to the Armenian Supreme Soviet. Since then a state of virtual war has existed between Armenians of Nagorno-Karabagh and Azerbaijan. The violence has resulted in well over eight thousand deaths and a mass transfer of populations between the republics of Azerbaijan and Armenia creating more than 800,000 refugees and displaced persons in an area inhabited by 11 million people. With their basic right to life threatened with *pogroms* as well as deportation, and the international community ignoring their plight, the remaining Armenians in and around Nagorno-Karabagh eventually resorted to armed self-defense.

During the past two years, parliamentary delegations, international human rights NGO delegations, and independent observers have visited the region. They have concluded that grave violations of human rights and humanitarian laws have been committed by Soviet (Spring 1991) and Azerbaijani armed forces, including the taking of hostages, disappearances, summary executions, torture, and arbitrary detentions. In addition, forced deportations of whole villages affecting thousands of Armenians have been carried out. The delegations also found credible and compelling evidence that additional deportations were planned.[4] The Armenian self-defense forces were also found to have committed violations of humanitarian

2 La CEI et ses Conflicts, Hélène Carrière D'Ancausse, Le Figaro, 13 January 1993.

3 Human Rights Violations in Armenia and Azerbaijan, a Report of Pax Christi Netherlands, prepared by Egbert G. Ch. Wesserlink, 24 January 1992, p. 3.

4 Helsinki Watch, Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno-Karabagh, September 1992; Pax Christi Netherlands - Human Rights Violations in Armenia and Azerbaijan, prepared by Egbert G. Ch. Wesserlink, 24 January 1992; Andre Sakharav Memorial Congress and Foundation - Reports of fact-finding missions to Nagorno-Karabagh dated 31 May 1991, and 16 July 1991; the Supreme Soviet of the Russian SFSR, Committee on Human Rights - Conclusions of Hearings..., April-May 1991; to name a few.

law, although on a much reduced scale.

3. Nagorno-Karabagh Republic

Azerbaijan declared independence from the USSR on 30 August 1991. The ex-USSR Law on Secession provides for an autonomous province to remain part of the USSR by seceding from a union republic which has declared its independence from the USSR. Accordingly, on 2 September, the leadership of Nagorno-Karabagh declared the "Nagorno-Karabagh Republic."

On 26 November 1991, Azerbaijan annulled the autonomous status of Nagorno-Karabagh and launched a massive military operation against the Armenian inhabited villages and towns of the enclave. At the same time, Azerbaijan tightened the economic blockade of Armenia and Nagorno-Karabagh. Appeals to Azerbaijan from the leadership of the CIS to end military operations and to return to negotiations remained unheeded. By the end of December 1991 and early 1992, Internal Ministry troops and the army of the CIS withdrew from Nagorno-Karabagh, leaving the Armenian population alone against the Azerbaijani armed forces.

The enclave became isolated from the rest of the world as a result of a complete Azerbaijani blockade with the exception of a precarious helicopter link with Armenia. The capital of Nagorno-Karabagh was without bread, without many essential food and humanitarian supplies, without water except for three wells for the entire city, and under a daily deluge of rockets and artillery shells. Nonetheless, volunteer Armenian self-defense units of Nagorno-Karabagh resisted the Azeri attacks. Given the critical situation, a group of independent observers from Russia and Ukraine appealed to the international community, urging support for the people of Nagorno-Karabagh and noting that "mere statements of sympathy are no longer sufficient."[5] Alarmed by an unprecedented level of Azerbaijani troop concentration in and around the enclave, the leadership of Nagorno-Karabagh appealed without avail to the Commonwealth of Independent States, the European Community, and the United Nations to help stop the bloodshed and prevent an all out Azerbaijani assault.

On 10 December 1991, in spite of a raging war, Nagorno-Karabagh held a referendum on its political future and overwhelmingly approved its independence from Azerbaijan (85 percent participation and 95 percent approval). Finally on 28 December 1991, Nagorno-Karabagh elected its first legislature as an independent state. During its inaugural session, the parliament of Nagorno-Karabagh expressed its "hope that the creation of an independent state would contribute to end the bloodshed, to defend the peaceful population against the threat of annihilation, and appealed to the international community to assist in its efforts to establish peace in the Republic of Nagorno-Karabagh." The parliament also voted to observe all international human rights standards.

5 Russian Radio, 12/31/92.

4. War in Nagorno-Karabagh

On 31 January 1992, the Azerbaijani armed forces launched a full scale assault on Nagorno-Karabagh involving thousands of heavily armed troops supported by tanks, artillery and helicopters. The grave escalation of the conflict, threatening to annihilate the entire Armenian population of Nagorno-Karabagh, followed increased international interest in the conflict, including CSCE and UN fact-finding missions. The massive Azerbaijani offensive seemed to aim at a decisive military solution to the Nagorno-Karabagh conflict before the international community's interventions produced constructive results. The Armenian self-defense volunteers stopped the offensive.

In February 1992, the armed forces of Azerbaijan started to use "Grad BM-21" multiple-missile launchers to bombard the capital of Nagorno-Karabagh, Stepanakert. Salvos, each with 30 to 40 missiles, fired from nearby Shushi systematically aimed at block after block of civilian targets, destroyed entire sections of Stepanakert, including buildings housing administrative units of the Nagorno-Karabagh government, apartment buildings, schools and hospitals. During the following months of bombardment, Stepanakert sustained heavy damage. In February, the Azerbaijani armed forces seized large supplies of military hardware from the CIS forces stationed in the country, including Grad missiles. Soon after, Azerbaijan launched new offensives against Armenian positions as well as expanded the use of Grad missiles to other civilian areas of Nagorno-Karabagh. Meanwhile, towns and villages in Nagorno-Karabagh under Azeri control were evacuated mostly of their civilian population and turned into military strongholds. At the end of February, Armenian self-defense forces started to counter-attack and to take-over Azeri military strongholds, including Khojaly, the only airport of the enclave - a vital survival link with the outside world.

Amidst heavy losses on the battlefield and with major Azerbaijani strongholds in Nagorno-Karabagh threatened, Azeri sources alleged that Armenian and Russian forces massacred more than 1,000 civilians during the take-over of Khojaly. Western media, largely quoting Azeri sources, reprinted stories of alleged Armenian atrocities. However, after investigation, the Nagorno-Karabagh Parliament and other sources denied the charges of atrocities, stating that about 200 Azeri combatants and civilians were killed during the battle and subsequent flight from the town. Civilians suffered casualties when Azeri reinforcements counter-attacked from Aghdam, attempting to reach encircled Khojaly, and exposed those fleeing to cross-fire. To date, an invitation from the Nagorno-Karabagh parliament to the international community to conduct an impartial investigation of the Khojaly events has remained unanswered and the facts remain disputed. Nonetheless, unnecessary violence was committed against civilians which is unequivocally

deplorable. However, the Khojaly tragedy must be viewed within the context of an inevitably escalating cycle of violence generated by a five-year-old conflict with repeated anti-Armenian violence, *pogroms* and deportations carried out with impunity, to which Azerbaijani and Soviet authorities as well as the international community have responded with conspicuous reticence.

In the aftermath of Khojaly, President Mutalibov of Azerbaijan resigned. In addition, Turkey became more directly involved in the conflict by supporting Azerbaijan, and issuing threats against Armenia, thus raising the specter of regional conflict.

5. Humanitarian Corridor

Battles continued in Nagorno-Karabagh throughout March and April with the bombardment of Stepanakert from Shushi intensifying. On 10 April, an Armenian village (Maragha) in northern Nagorno-Karabagh, was attacked by a large Azeri military unit. During a brief occupation of part of the village, Azeri forces massacred some 50 Armenian civilians, including 25 women. In addition, more than 100 civilians were taken hostage by retreating Azeri forces. During the first two weeks of May, Azeri forces from Shushi launched a massive ground assault against Stepanakert. In a reversal of defensive Armenian strategy in Nagorno-Karabagh, the government decided to take necessary measures to eliminate the Azeri artillery and Grad missile positions near Stepanakert in order to end the unabated bombing of the city, to insure life and security, and to eliminate the threat of famine in the entire enclave. Thus, by mid-May, Shushi, Djanhassan, and Kossalar, all Azeri strongholds near Stepanakert, were attacked by the Armenian self defense units and taken over.

During the following week after the fall of Shushi, Nagorno-Karabagh forces took over all Azeri military strongholds from Shushi to the western border of Nagorno-Karabagh. As fighting continued on the eastern front of Nagorno-Karabagh, by the end of May 1992, Armenian forces opened a humanitarian corridor between Armenia and the enclave, a distance of seven kilometers. Latchin, a major Azeri stronghold between Armenia and Nagorno-Karabagh, fell to the Armenian forces. Immediately, truck convoys began to traverse the narrow corridor between Armenia and Nagorno-Karabagh transporting the wounded to Armenia and returning with humanitarian goods, including food, medicine, and fuel. During the Armenian take-over of Azeri strongholds from Shushi to Latchin, tens of thousands of Azeri were displaced from their homes and fled from the battle areas.

6. War Escalates

Following the election of the head of Azerbaijan's Popular Front, Abulfaz Elchibey, as President on June 12, Azerbaijan launched a massive multi-front assault against Nagorno-Karabagh and Armenia. Within a few days, the northern Shahumyan district of Nagorno-Karabagh was completely overrun by Azeri forces. More than 15,000 inhabitants of the region were displaced, and a large number were unaccounted for and presumed massacred or taken hostage. Advancing Azeri forces indiscriminately bombarded and machine-gunned fleeing refugees. Armenian forces stopped the Azerbaijani advance only after parts of the Martakert (northern) and Askeran (eastern) regions of Nagorno-Karabagh were lost, displacing an additional 5,000 people.

By the end of June, a new Azeri offensive in northern Nagorno-Karabagh overwhelmed the Armenian self defense forces and more territory was overrun, including Martakert and Haterk, the two principal towns of the northern Martakert region. Some 30,000 displaced persons from the region retreated to Stepanakert, more than a thousand civilians were unaccounted for and feared disappeared, and hundreds were slaughtered or maimed. By the end of June, some 50,000 inhabitants of Nagorno-Karabagh were displaced from their homes and 40 villages burnt.

In July, Azerbaijan escalated the war in and around Nagorno-Karabagh with the introduction of aerial bombardment of civilian targets by SU-25 and Mig fighter-bombers. By the year end, more than 20 fighter bombers and helicopter gunships of the Azerbaijani air force were shot down over Nagorno-Karabagh. The Azerbaijani armed forces also launched repeated and massive offensives. Armenian self-defense forces counter-attacked and took back some territory lost earlier during the month. Thousands of lives were lost during the ensuing battles. With a critical military and humanitarian situation in Nagorno-Karabagh and the very survival of the Republic threatened, Nagorno-Karabagh decreed martial law throughout the territory.

Throughout the fall, fierce fighting and long range as well as aerial bombardment continued in and around Nagorno-Karabagh, especially around the Latchin humanitarian corridor. On numerous occasions, the Azerbaijani armed forces attempted to overrun the humanitarian corridor but were defeated by Armenian self-defense forces who counter-attacked and expanded the corridor in an attempt to place the road beyond the reach of Azerbaijani attacks.

7. Nuclear Threat

In November 1992, Azerbaijan's Interior Minister Iskandar Hamidov sharply escalated the level of conflict in the Caucasus by raising fears of a nuclear proliferation in the region. Hamidov claimed Azerbai-

jan had six nuclear weapons and "if the Armenians do not come to their senses" he would authorize a nuclear strike against Yerevan. Although Russian sources denied Azerbaijan had any nuclear weapons, US intelligence sources expressed concern that it was possible some weapons had remained in Azerbaijan.

8. Summary

By the end of 1992, it became obvious that the principle aim of the Azerbaijani bombardment of civilian target is to force the Armenians to flee Nagorno-Karabagh. Some observers characterized the Azerbaijani policy as "a criminal war against civilians,"[6] others agreed that Azerbaijan was engaged in "ethnic cleansing and the destruction of an entire people."[7] Despite a number of cease-fire agreements, Azerbaijan continued its offensive in Nagorno-Karabagh with ground attacks and aerial bombardments as well as shelling with long-range heavy artillery and missiles. With onset of winter, the Azerbaijani armed forces controlled 2,000 of the 5,000 sq. km. of Nagorno-Karabagh territory. Most significant industrial installations were under Azerbaijani control, including the only hydro-electric dam, gold mines in the northern region, and 60 percent of Nagorno-Karabagh's arable land.

The US Department of State estimated that more than 4,000 Azeris and 3,500 Armenians had lost their lives in Nagorno-Karabagh battles during the first eleven months of 1992. The danger to the survival of Nagorno-Karabagh was underscored in a report published in November by "Médecins Sans Frontières" (MSF), listing the Armenians in Nagorno-Karabagh as one of ten most threatened peoples in the world at risk of extinction as a result of conflict, famine or disease.

III. ARMENIA & AZERBAIJAN

A. ARMENIA

1. Soviet Armenia

Armenia has a population of 3.5 million of whom 95 percent are Armenians, and 5 percent Russians, Kurds, Yezidis and others.

In February 1988, hundreds of thousands in Armenia took to the streets in support of demands for reform in the status of Nagorno-Karabagh. The demonstrations quickly developed into a movement for full democratic rights in Armenia. The mass movement, initially supportive of President Gorbachev's policy of *glasnost* and *perestroika*, was deeply disappointed following the central government's rejection of Armenian demands regarding Nagorno-Karabagh and the anti-Armenian *pogrom* in Sumgait, Azerbaijan. The Armenian movement quickly changed into a bitter opposition to Moscow. General strikes were held with increasing frequency and public life came to a standstill in Armenia. Soon after, the loosely organized democratic movement of Armenia evolved into the "Karabagh Committee" which enjoyed mass support and popularity.

In November 1988, another anti-Armenian *pogrom* took place in Kirovabad, Azerbaijan, thereafter spreading to other areas of Azerbaijan, Nagorno-Karabagh and Nakhitchevan (an autonomous republic) where Armenians were attacked randomly by Azeri mobs. Soon after, the flow of Armenian refugees developed into a massive outpouring of the Armenian minority from Azerbaijan, reaching 200,000. In Armenia, relations with the Azeri minority, already living in fear of reprisals after the Sumgait *pogrom*, started to deteriorate, though violence was still limited to isolated incidents. Nonetheless, as a result of a fear of retaliation, a flight of the Azeri minority out of Armenia had started soon after the violence in Sumgait. After the November anti-Armenian *pogroms* and subsequent increase in the anti-Azeri violence in Armenia, the Azeri minority left Armenia *en mass*. Thus, in effect a major transfer of populations occurred between the two republics. State of emergencies were declared in both republics.

The human rights situation in Armenia was further complicated after the December 1988 earthquake in which about 40 percent of Armenia's economic infrastructure was destroyed and some 300,000 were made homeless. Many Azeris also became homeless as a result of the earthquake and fled Armenia under harsh winter conditions. Some lost their lives as a result of exposure during the flight. Following the earthquake, members of the "Karabagh Committee" were arrested by Soviet authorities and incarcerated in Moscow. Six months later, under popular pressure and international criticism, the movement leaders were released from jail.

In August 1989, Azerbaijan imposed an economic blockade on Armenia and Nagorno-Karabagh. Armenia's economy was paralyzed as it received 80 percent of all goods imported into the republic through Azerbaijan. As a result, relations between Armenia and Azerbaijan deteriorated. In January 1990, the third anti-Armenian *pogrom* in Baku, Azerbaijan, turned into a drive to rid Azerbaijan altogether of its Armenian minority. After several days of unrestricted anti-Armenian mob violence in Baku, Soviet troops entered the capital of Azerbaijan under the pretext of protecting the Armenian minority although very few were left, and unleashed an unprecedented violence against the Azeri masses. After the January 1990 anti-Armenian *pogrom*, another 100,000 Armenians fled Azerbaijan, thus reducing the number of the Armenian minority in Azerbaijan from over 350,000 prior to 1988 to less than 25,000 after

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6 Associated Press, 11 January 1993, quoting Ambassador Vladimir Stupishin of the Russian Federation.

7 Associated Press, 11 January 1993, quoting Yelena Bonner.

January 1990 (not including Nagorno-Karabagh). Almost all of the few remaining Armenians in Azerbaijan were those in mixed marriages who had changed their names and who were thus not readily recognizable as Armenians.

2. Independent Armenia

In June-July 1990, during elections to the Supreme Soviet (parliament) of Armenia, the Armenian National Movement (ANM) - formed by a coalition of organizations active in the earlier democratic movement, including the "Karabagh Committee", emerged with a majority, replacing the Communist Party after 70 years of rule in Armenia. In August 1990, the newly elected Armenian Supreme Soviet approved a resolution starting the republic's independence process. In a referendum on 21 September 1991, an overwhelming majority of Armenians (99.31 percent) approved independence which was declared on 23 September. However, it was not until the break-up of the Soviet Union two months later and the formation of the new Commonwealth of Independent States (CIS) that Armenia's independence received international *de jure* recognition. On 16 October, Levon Ter-Petrossian was elected President of Armenia with 80 percent approval and 69 percent of the eligible voters participating.

Independent Armenia faced several problems with potential human rights repercussions. Foremost was and continues to be the paralyzing effect of the continuing blockade by Azerbaijan on the Armenian economy and the consequent violation of the social-economic rights of the population in Armenia. The threat of war with Azerbaijan and the daily skirmishes and bombardments in the border areas are another area of concern. The Armenian government's recent decision to reopen the unsafe "Metzamor" nuclear power plant as a result of the critical fuel shortages caused by the Azerbaijani economic blockade raises serious environmental concerns not only for Armenia but also for neighboring countries, including Georgia, Azerbaijan, Turkey, and Iran.

The limitations of democratic institutions in Armenia also raise concerns for potential human rights problems. The country still functions under the former Soviet Constitution with the addition of new legislation, resulting in a strong presidency. Attempts to draft a new constitution have been unsuccessful and early drafts include unnecessary restrictions on fundamental freedoms and do not seem to incorporate checks and balances necessary for a democratic government which could insure human rights and fundamental freedoms. Nonetheless, Armenia enjoyed political stability unlike its neighboring republics of Azerbaijan and Georgia. However, in June 1992, a political crisis developed in Armenia when an opposition parliamentary coalition gained broad support (120 deputies) and, for the first time, the government majority was threatened. In response, President Levon Ter-Petrossian of Armenia bitterly libeled the main opposition party and expelled its leader from Armenia. The political crisis continues.

3. War, Blockade & National Catastrophe

Throughout 1992, fighting along the border between Armenia and Azerbaijan intensified in addition to heavy artillery and Grad rocket exchanges. In August 1992, Azerbaijan launched an offensive against Armenia and occupied Artzvashen, a 46 sq. km. Armenian territory in the northern border area. The occupation prompted warnings and condemnations from the United States and Russia. The US House of Representatives imposed restrictions on economic aid to Azerbaijan until it took "demonstrable steps to cease all blockades and other offensive uses of force" against Armenia and Nagorno-Karabagh. However, the Azerbaijani daily attacks across the border against Armenia intensified and expanded to aerial bombardments as well. The attacks continue to date unabated.

By the end of 1992, Armenia approached the brink of economic disaster with food and fuel supplies exhausted as a result of the Azerbaijani blockade. Acute shortages of essential consumer goods sparked protests in several cities directed against the government's inability to secure supplies. As winter temperatures dipped below zero, people in Yerevan cut trees to use as fuel. Meanwhile, Italy, the Netherlands, the United Kingdom and the United States announced plans for humanitarian assistance to Armenia. On 7 December 1992, President Levon Ter-Petrossian declared a state of national disaster in Armenia, alerting the international community to the very urgent needs in fuel and food of the Armenian people.

In response to increasingly alarming reports concerning the humanitarian situation in Armenia, UN Secretary-General Boutros Boutros-Ghali authorized the Under-Secretary-General for Humanitarian Affairs, Jan Eliasson, to coordinate an urgent program of humanitarian assistance for the region. On 8 December 1992, the Department of Humanitarian Affairs announced the issuance of an Immediate Emergency Appeal for Armenia and Azerbaijan containing detailed descriptions of the requirements for relief and projects envisaged by UNHCR and UNICEF.

At the end of December 1992, Georgia, short on fuel and dependent on Azerbaijan for supplies, joined Azerbaijan and Turkey in extending a total blockade against landlocked Armenia, effectively cutting off completely the already limited shipments of natural gas, gasoline and fuel oil, as well grain and medical supplies. The US Department of State warned that continued conflict in the region will result in a "national catastrophe" for Armenia.

B. AZERBAIJAN

1. Soviet Azerbaijan

Azerbaijan has a population of 7.5 million and includes the autonomous republic of Nakhitchevan and the former autonomous province of Nagorno-Karabagh. Large minorities in Azerbaijan include the Kurds (200,000), the Lezkis (300,000), and the Talish (500,000), who have been demanding cultural autonomy and self-government.

In mid-1988, an Azerbaijani opposition was mobilized in response to Armenian demands for restoration of human rights in Nagorno-Karabagh. Soon after, Azerbaijani opposition groups formed a coalition under the name "Azerbaijan Popular Front" (APF). In a November 1989 interview, a leader of APF, Gamid Kherishi, stated the aims of the organization: the unification of the Turkic republics of Central Asia and Trans-Caucasus into a contiguous pan-Turkist super-state fundamentalist in character. Kherishi further stated that the democratic advances in the USSR were not conducive to the APF goal.[8] The APF first asserted popular influence by organizing the August 1989 railroad strike in Azerbaijan resulting in an economic blockade of Armenia as well as Nagorno-Karabagh. The blockade, supported by officials of the Azerbaijani Communist Party and government, successfully forced Soviet authorities into dismissing the Special Administration Committee of Nagorno-Karabagh. Encouraged by the success of its tactics, the APF stepped up its campaign against the Armenian minority in Azerbaijan culminating in the January 1990 anti-Armenian *pogroms* in Baku. At the same time, the APF started to challenge seriously the government of Azerbaijan for power. On 20 January 1990, Soviet troops entered Baku under the pretext of saving the Armenian minority and violently crushed the APF-led challenge to the Azerbaijani government. Soviet troops killed more than 100 Azeris, arrested APF leaders, and restored the Communist Party to power in Azerbaijan.

2. Independent Azerbaijan

After the January 1990 Soviet crackdown, Ayaz Mutalibov was designated as the First Secretary of the Communist Party of Azerbaijan and also assumed governmental powers. Following the August 1991 attempted *coup d'état*, President Mutalibov declared his support for the coup leaders. Soon after the coup failed, on 30 August 1991, Azerbaijan proclaimed its independence. On 8 September 1991, Azerbaijan elected Ayaz Mutalibov, the only candidate on the ballot, its first President. The opposition had withdrawn its candidate citing undemocratic conditions for the elections.

By the end of September, the opposition called for the resignation of President Mutalibov, democratic elections for a new parliament (Supreme Soviet), the restructuring of state bodies, and "a mobilization of forces in order to ensure the security of the Azerbaijani population of Nagorno-Karabagh." On 10 October 1991, parliament voted to "nationalize" all Soviet military equipment on its territory. On 26 November, following several days of mass demonstrations demanding the resignation of President Mutalibov and a transfer of power to the opposition, an extraordinary session of the Azerbaijan Supreme Soviet created the National Council which included 50 members distributed equally among representatives of the opposition and President Mutalibov's supporters. The Supreme Soviet session also unanimously annulled the autonomous status of Nagorno-Karabagh. On 18 December, President Mutalibov demanded that henceforth the 4th Soviet Army stationed in Azerbaijan be placed under his command. By the last week of December, former Soviet Internal Ministry troops started to retreat from Azerbaijan as a result of pressure to join the Azerbaijani armed forces and left the bulk of their military hardware to Azerbaijan.

3. War in Nagorno-Karabagh

As military confrontations escalated in and around Nagorno-Karabagh during winter and early spring 1992, Azerbaijan was threatened with political instability. On March 6, after major military defeats in Nagorno-Karabagh, President Mutalibov was forced by APF to resign. Deputy Speaker of the Supreme Soviet Yakub Mamedov was appointed acting President and charged with forming a coalition government with the Popular Front. However, in April, power sharing talks between Acting President Mamedov and the Popular Front collapsed, precipitating a new political crisis. In mid-May, the fall of Shushi and Latchin precipitated Azerbaijan into a major political turmoil. Former President Mutalibov was restored to power and deposed again within 24 hours. In a relatively bloodless coup, the Azerbaijan Popular Front took power by forcing Mutalibov to flee and by transferring authority from Parliament to the National Council controlled by the Front. The Front deputy Chairman, Issa Gambarov, was elected interim President until the June 7 presidential elections.

In an apparent attempt to draw Armenia into the conflict and justify Turkish intervention, Azeri forces engaged in provocation from Nakhitchevan Autonomous Republic by relentlessly bombarding Armenian villages in south-western Ararat valley of Armenia. Armenian militias responded by taking control of hills near the Nakhitchevan border town of Sadarak. When Soviet troops retreated from the area a few months earlier, those hills were illegally taken over by Azeri militias even though situated within Armenia. Nonetheless, the Armenian action was depicted by Azeris as a major military assault on Nakhitchevan "aiming to take over" the autonomous republic. Turkey in turn issued threats against Armenia, including threats to send in troops. Marshal

8 Le Monde Diplomatique, February 1990.

Shaposhnikov, commander of the CIS armed forces, warned that if Turkey intervened in the region, it would be responsible for a new world war. Armenia responded to the provocation by proposing a security zone between Armenia and Nakhitchevan which was rejected by the latter. International observers, including western diplomats and journalists, agreed that the Azeri reports of Armenian attacks on Nakhitchevan were exaggerated in order to promote the image of Armenia as an aggressor and to encourage Turkish military involvement in the region. Armenian armed forces had taken over hills fully within Armenia for legitimate self-defense reasons.[9]

Military activities also intensified along the eastern border of Armenia with Azerbaijan, with daily bombardment of Armenian villages, military incursions into Armenian territory, and kidnapping of civilians. Reliable sources attributed Azerbaijani provocation against Armenia to a joint Turkish-Azerbaijani plan to build a large diameter oil pipeline between Azerbaijan and Turkey via the southern Armenian region of Zankezour. The joint Turkish-Azeri plan envisaged the annexation of Zankezour to Azerbaijan, thus avoiding the need to build a pipeline through Armenia.[10]

On 7 June 1992, the APF leader Abulfaz Elchibey was elected president of Azerbaijan. Elchibey campaigned on a promise to pull Azerbaijan out of the CIS and a pledge that Nagorno-Karabagh would remain part of Azerbaijan. Azerbaijan voted against joining the CIS in October. With Elchibey's victory, "the extremist ultra-nationalist and pan-Turkic branch" which "used and abused the Karabagh issue and the conflict with Armenia" to arouse nationalist passions in Azerbaijan came to power.[11] An important consequence of Elchibey's election as president of Azerbaijan is closer cooperation with Turkey and tense relations with Iran where some 20 million Azeris live. Immediately after his election, Elchibey accused Iran of repressing its Azeri minority and threatened that the Azeri-Iranian border may catch fire. At the same time, Turkey dispatched at least 150 high ranking officers to Azerbaijan to train the Azeri army and direct its operations against Nagorno-Karabagh.

4. Political Unrest

Civilian unrest in Azerbaijan did not end with Abulfaz Elchibey's election as president. In July, fighting broke out in several districts of Azerbaijan, claiming many casualties. Azerbaijan accused "Armenian fifth columnists" for the unrest. In September, President Elchibey survived an assassination attempt which prompted the mass arrest of former President Mutalibov's supporters in Baku. In October, the Interior Minister, Iskender Hamidov, and President Elchibey were accused by the opposition of eroding democracy and establishing an authoritarian regime in Azerbaijan. Soon after, the republic's former KGB head Vakif Husseynov and Meymat Panakhov, chairman of the Association of the Azeri Independent Trade Unions were arrested. The main opposition leader in Azerbaijan, Etibar Mamedov, claimed the two men were arrested simply because they were in the opposition. In November, a number of Soviet era leaders of Azerbaijan were also ordered arrested. Opposition leaders accused the government of "settling accounts against opposition forces." In December, a new wave of arrests and assassination attempts against opposition leaders prompted 36 members of the Azerbaijani Supreme Soviet to appeal to President Elchibey to put an end to restrictions on democratic rights and fundamental freedoms.

Nonetheless, at the year end, the war in Nagorno-Karabagh remained the biggest burden on Azerbaijan. The 1993 state budget called for an expenditure of more than 30 billion rubles or 70 percent of the budget on the war effort. As a result, there were food and gasoline shortages in Azerbaijan. In addition, the war was responsible for much of the political unrest in the country.

IV. Peacemaking, Peace-Keeping

1. International Intervention, Four Years Too Late

Since February 1988, when the Nagorno-Karabagh conflict came to the forefront of international attention, the two principal organs of the United Nations mandated to monitor and promote human rights in all parts of the world, the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, have held nine sessions. During each of those sessions since 1988, NGOs brought the critical conditions in Nagorno-Karabagh to the attention of the international community and urged the adoption of constructive measures, including expressions of concern, fact-finding missions, advisory services, the possibility of referring the underlying legal issues for an advisory opinion from the ICJ, and cooperative efforts to improve human rights conditions, before the conflict became more ominous, before political positions became more entrenched, and before full scale war broke out. Yet, the Commission on Human Rights and its Sub-Commission failed even to take note of gross human rights violations taking place in and around Nagorno-Karabagh, in effect, encouraging further violations and loss of confidence in the international protection of human rights.

The first attempt at international mediation to resolve the Nagorno-Karabagh conflict came within

9 The Guardian, 27 May 1992; The Independent, 28 May 1992.

10 Platt's Oilgram News, "Armenian-Azerbaijan conflict tied to oil pipeline plan," 22 May 1992.

11 The Christian Science Monitor, "Solve the Caucasus Crisis," 2 June 1992.

the crumbling structures of the Soviet Union. On 23 September 1991, with mediation by Presidents Yeltsin (Russia) and Nazarbaev (Kazakhstan) and with representatives of Nagorno-Karabagh observing, the Presidents of Armenia and Azerbaijan signed the Jeleznovodsk Communiqué, agreeing to submit the Nagorno-Karabagh conflict to a mediation process. However, without the meaningful participation of duly elected representatives of Nagorno-Karabagh, the agreement could not be implemented and the war intensified.

In January 1992, Asbjorn Eide, Expert Member of the UN Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Special Rapporteur on minority issues, visited Azerbaijan and Armenia. In a press conference in Baku, Eide observed that the Armenian and Azeri sides had diametrically opposing positions and deep rooted lack of confidence in each other. Eide suggested that one possible solution to the Nagorno-Karabagh conflict would be a "high degree of autonomy" for the enclave with international guarantees while the territorial integrity of Azerbaijan was maintained.

In February 1992, following an escalation of the war, President Yeltsin called for deployment of UN peacekeeping forces in Nagorno-Karabagh. Authorities in Armenia and Nagorno-Karabagh welcomed President Yeltsin's proposal. However, Azerbaijani authorities rejected the idea. Nonetheless, both sides agreed to attend talks. In a flurry of diplomatic activities, the UN, CSCE, EEC, EC, Russia, France, Iran and the United States decided to forward urgent fact-finding missions for the first time since the outbreak of the conflict in 1988. In addition, French Minister of Humanitarian Affairs Bernard Kouchner announced that he had obtained the "green light" from Armenia and Azerbaijan to establish humanitarian corridors in the region.

2. CSCE Seizes Problem

The Council of Ministers of the CSCE member states, meeting in Prague on 30-31 January 1992, decided to send a fact-finding mission to Nagorno-Karabagh, Armenia and Azerbaijan. The CSCE mission concluded, "the conflict in Nagorno Karabagh is now critical, involving great suffering for the population and risking serious instability in the region. Fighting has grown more intense fueled by the availability of arms from within and outside the region. There have been heavy flows of refugees throughout the area, many of whom require increased humanitarian assistance. Fundamental human rights have been violated by participants on both sides, including the rights of minority groups; and families on both sides have been unable to determine the fate of their relatives. The effects of the conflict have been felt throughout the region, as a result of the movement of refugees and the disruption of normal trading patterns.... The greatest urgency must be given to the establishment of a cease-fire and initiation of a dialogue among the interested parties."[12] The Committee of Senior Officials (CSO) of the CSCE urged, *inter alia*, the imposition of a cease fire in Nagorno-Karabagh; urged all states to impose an immediate embargo on all deliveries of weapons and ammunitions to forces engaged in combat in the area; requested that "CSCE convene representatives of the States concerned with a view to immediately establishing safe corridors for the delivery of humanitarian assistance to the inhabitants of Nagorno-Karabagh"; decided to strongly urge the "continuation of the dialogue among all interested parties, including local authorities from Nagorno-Karabagh and representatives of Armenian and Azeri inhabitants from Nagorno-Karabagh."[13]

3. A Flurry of Activity

On 13 February 1992, with 185 votes in favor, one against and three abstaining, the European Parliament expressed its concern about the deteriorating conditions in Nagorno-Karabagh and resolved to send a fact-finding delegation to the enclave. The resolution also called upon its President to transmit the text of the resolution to the President of the United Nations Commission on Human Rights.[14]

On 20 February 1992 in Moscow, with Russian mediation, the Foreign Ministers of Armenia and Azerbaijan agreed to an immediate cease-fire in and around Nagorno-Karabagh, to unblock roads and communications primarily for the delivery of humanitarian aid, to renounce the use or the threat of force, and to commit to the peaceful resolution of the conflict under the auspices of CSCE and United Nations. However, observers noted, by signing the communiqué, the Azerbaijani Foreign Minister merely intended to deflect a Russian proposal to send international peacekeeping forces to Nagorno-Karabagh. Russian President Yeltsin's advisor for ethnic problems, Galina Starovoitova, stated she was not hopeful the talks would stop fighting. Starovoitova thought the only solution was the deployment of UN peacekeeping forces in the region. Prominent human rights activist Yelena Bonner stated the negotiations in Moscow were built on the wrong foundation because Nagorno-Karabagh was not represented.

On 26 February, French Foreign Minister Roland Dumas proposed a peace plan. The plan called for a cease-fire in the region, an international peace

12 Interim Report of the CSCE Rapporteur Mission on the Situation in Nagorno-Karabagh, p. 14, considered on 28 February 1992, at Prague, by the Committee of Senior Officials (CSO) of the CSCE, under agenda item 3.

13 CSCE, Seventh Meeting of the Committee of Senior Officials, 7-CSO/Journal No. 2, 28 February 1992, Prague, Annex 1.

14 European Parliament, Resolution B3-0155/92, 13 February 1992.

conference with the participation of representatives of Nagorno-Karabagh, and the opening of "humanitarian corridors." The corridors would be established in strife-torn areas to guarantee international relief organizations a safe means of supplying basic foods and medicines to non-combatants. However, Turkey objected to the plan because of the inclusion of Nagorno-Karabagh in the conference and the creation of humanitarian corridors which could "have political implications."

At a press conference in France on March 8, discussing his recent travel to Nagorno-Karabagh, French Minister of Humanitarian Affairs Bernard Kouchner called the six kilometer Azeri territory separating Armenia from Nagorno-Karabagh "stupid" and a "political and geographical aberration," which he was convinced should be changed. Kouchner added, "it is better to agree and change borders than to have people killed." Kouchner concluded by stating, "I prefer changing borders than letting people die." On March 10, the European Community and the Russian Federation issued a joint statement, expressing their deep concern about the continuing conflict, urging humanitarian corridors in the area, and respect for a cease-fire announced in Moscow on 20 February.

4. CSCE, UN, EC, Iran, Russia Urge Cease-fire

At its 24 March 1992 meeting in Helsinki, the CSCE Council of Ministers once again called upon the conflicting parties to agree to a cease fire immediately, recommended that its Chairman visit the area of conflict, and decided to organize a peace conference on the Nagorno-Karabagh conflict. In addition to "elected representatives of Nagorno-Karabagh and other representatives," the Council of Ministers chose eleven CSCE member states to take part in the peace conference to be held in Minsk - Armenia, Azerbaijan, Turkey, Russia, the United States, France, Germany, Belarus, Italy, Sweden, and Czech & Slovak Federal Republics. Mario Raffaelli, an Italian diplomat, was named chairman of the peace conference. Azerbaijan and Turkey ruled out any role for an international peace-keeping force in Nagorno-Karabagh and rejected the participation of separate representation from the Nagorno-Karabagh government, instead proposing that the "two communities" - Armenian and Azerbaijani, send representatives. However, the Nagorno-Karabagh parliament categorically rejected the Azeri approach and insisted on separate representation chosen by the legitimately elected parliament of Nagorno-Karabagh. In addition, officials in Armenia and Nagorno-Karabagh rejected the notion supported by some CSCE member states that the Nagorno-Karabagh conflict could be resolved by granting the enclave "cultural autonomy" within Azerbaijan. Some western observers characterized the autonomy solution a lazy one and called for more radical solutions, including border adjustments.

At the end of March, Nagorno-Karabagh, Azerbaijan and Armenia agreed to an Iranian-mediated peace initiative calling for (1) a cease fire, (2) exchange of hostages, (3) an end to the blockade, and (4) negotiations between Armenia and Azerbaijan with the participation of Nagorno-Karabagh representatives to find a political solution. The first step called for a seven-day cease fire which took hold on March 20 and was later extended until a peace conference could be convened. Iran also urged the UN to dispatch an international peacekeeping force to Nagorno-Karabagh. However, Azerbaijan rejected the participation of Nagorno-Karabagh in a peace conference and daily violations of the cease fire continued. On March 26, UN Secretary-General Boutros Boutros-Ghali appealed to the parties involved in the dispute over Nagorno-Karabagh to maintain the cease fire arranged under Iranian auspices. The Secretary-General also appealed to all who were engaged in efforts toward the establishment of peace in the area, including CSCE, to exercise the greatest possible cooperation in those efforts.

At a meeting on March 26 to hear the report of the Secretary-General's Special Envoy Cyrus Vance about the situation in Nagorno-Karabagh, the UN Security Council decided to defer additional independent fact-finding and mediation effort in the area and instead pledged its support to the CSCE effort. In early April, a CSCE delegation headed by Czech & Slovak Federal Republic's Foreign Minister Dsienstbier visited Baku, Stepanakert and Yerevan and called for 100 international observers to oversee the cease fire in Nagorno-Karabagh.

Also in early April, Russian Foreign Minister A. Kozirev visited the area to discuss peaceful alternatives to the conflict. Kozirev later invited "representatives of the Armenian and Azeri communities in Nagorno-Karabagh" for peace talks in Minsk. However, the leadership of Nagorno-Karabagh rejected the invitation because the Russian Federation had failed to present any concrete proposals for a cease-fire and Nagorno-Karabagh insisted that it would participate in negotiations only if the legitimately elected government of the enclave were invited.

At the end of April, a CSCE mission headed by Swedish Deputy Foreign Minister Mathias Mossberg visited the area. Mossberg informed President Ter-Petrossian of Armenia that, although the Azerbaijani leadership was prepared to resort to peaceful means to resolve the Nagorno-Karabagh conflict, complex internal political considerations within Azerbaijan were blocking concrete steps being taken in that direction. President Ter-Petrossian stated that, contrary to the expressed desire for a peaceful solution, Azerbaijani leaders continued to develop military operations in Nagorno-Karabagh as well as along the border with Armenia. Ter-Petrossian urged the CSCE to redouble its efforts for a peaceful solution to the Nagorno-Karabagh conflict.

On April 28-30, an international dialogue on security and cooperation in the Transcaucasus, organized by the Danish Human Rights Center and the Norwegian Institute of Human Rights, was held in Copenhagen. Participants included representatives from Armenia, Azerbaijan, Nagorno-Karabagh, Georgia, South Ossetia, UNHCR and ICRC. The participants issued a concluding statement declaring that they "held differing views on the application to the [Nagorno-Karabagh conflict] of the principles of territorial integrity of States on the one hand and the right to self-determination of peoples, on the other."

On May 8, President Levon Ter-Petrossian of Armenia and Acting President Yagub Mamedov of Azerbaijan signed an agreement in Teheran to end the Nagorno-Karabagh conflict. The agreement was also signed by President Hashemi Rafsanjani of Iran as an observer. The eight-point agreement called for, *inter alia*:, a cease fire to commence within seven days; ending of the blockades; international observers; respect for the rights of minorities; and the resolution of disputes according to the principles of international law, the UN Charter, and CSCE documents. Nagorno-Karabagh was not invited to the peace talks in Teheran.

5. Threat to Survival Drives Nagorno-Karabagh to Act

The same day, the Nagorno-Karabagh self-defense forces counter-attacked and seized Shushi. A flurry of diplomatic activity followed the Armenian take-over of Shushi and Latchin as well as the opening of a humanitarian corridor between Nagorno-Karabagh and Armenia. CSCE, NATO, EC, the US, Iran, and Russia appealed to the conflicting parties to stop fighting and to negotiate. At the same time, Nakhitchevan rejected an Armenian proposal to invite Iranian observers to monitor the Nakhitchevan-Armenia border. In addition, under pressure from Turkey, a preliminary peace conference was scheduled for June 1 in Rome with the participation of the Minsk group - Italy, Turkey, US, France, Germany, Russia, Sweden, Czech and Slovak Federal Republics, Belarus, Armenia and Azerbaijan.

Azerbaijan conditioned any further participation in the peace process initiated by the CSCE upon a condemnation of Armenia as an aggressor state, "the most severe sanctions" against Armenia, and the withdrawal of Armenian armed forces from towns and villages recently taken over, including Shushi and Latchin. Armenia characterized the Azeri preconditions to a peace conference as an unacceptable blackmail designed to "conceal the real intent of the policy [which Azerbaijan] means to pursue in Nagorno-Karabagh, namely to impose a solution of the question of Nagorno-Karabagh by force." Armenia called for an immediate convening of the Minsk conference as well as an emergency meeting "whose purpose would be to examine all aspects of the problem and prepare this peace conference."[15]

On May 12, the UN Security Council met in response to demands from Armenia and Azerbaijan. The Council President delivered a consensus statement expressing deep concern about "recent reports on the deterioration of the situation relating to Nagorno-Karabagh and violations of cease-fire agreements." The Security Council then commended and expressed support for the efforts undertaken within the framework of the CSCE as well as other efforts "aimed at assisting the parties in arriving at a peaceful settlement and at providing humanitarian assistance." Finally, the Security Council welcomed the urgent dispatch by the Secretary-General of a mission to the region for fact-finding, and called upon the parties concerned to take all necessary steps to bring the violence to an end.[16] Soon after, UN Secretary-General's Special Envoy Francesc Vendrell visited the region to ascertain the facts, and to develop plans to coordinate various mediation efforts underway by inter-governmental organizations as well as some countries.

On May 23, the European Community expressed its deepest concern over the increased fighting in Nagorno-Karabagh and urged respect for the rights of Armenians and Azerbaijanis. A statement issued by Portugal, the EC Presidency, deplored the renewed suffering and loss of life resulting from the continuing fighting. The statement continued, "fundamental rights of Armenians and Azeri populations should be fully restored in the context of existing borders." The EC appealed to Armenia and Azerbaijan to exercise "maximum restraint" in order to permit the CSCE sponsored peace conference to take place as soon as possible.

At the end of May, the Chairman of Nagorno-Karabagh's Parliamentary Commission on Foreign Relations, Levon Melik-Shahnazarian, summarized the position of Nagorno-Karabagh on the progress of mediation efforts. He welcomed the mediation efforts of Iran, Russia, the CSCE and UN, then reiterated the conviction that the conflict could indeed be settled by political means, but he added, Nagorno-Karabagh should be represented by its elected leadership as well as by a representative of the Azeri minority. Melik-Shahnazarian went on to say that, the warring sides can be disengaged but that "any strongholds sowing death should be suppressed. We do not want to fight, but we must, we will and we know how to defend our borders. Azerbaijan will have to abandon its claims to Karabagh. By proclaiming independence we rejected our century-long dream to unite with Armenia. The sacrifice was made in the interests of the Armenian and Azeri peoples to avert bloodshed spreading to the entire region. Azerbaijan is losing us, Armenia does not gain us, we are losing our hope. I believe

15 CSCE, Eleventh Meeting of the Committee of Senior Officials, 11-CSO/Journal No. 4, 21 May 1992, Helsinki.

16 Note by the President of the Security Council, S/23904, 12 May 1992.

that is the most acceptable compromise."

Armenian frustration with the international community's inability to mediate a peaceful solution to the Nagorno-Karabagh conflict is illustrated by the following letter dated 22 May 1992 and addressed by the Permanent Representative of Armenia at the UN to the Security Council:

> Armenia and the representatives of Nagorno-Karabagh have repeatedly asked during this four-year-long conflict that the international community send peace-keeping missions to the region. These requests were made over and over to prevent the escalation of the conflict, however, until now those requests were not heeded.
>
> With respect to the establishment of a humanitarian corridor to Nagorno-Karabagh, the Armenian government and the government of the Nagorno-Karabagh Republic appealed repeatedly to the international community for the lifting of the blockades. Several months ago, the CSCE declared its intention to open such corridors so that the desperate conditions in Nagorno-Karabagh could be abated. However, no action was taken and the situation continued to deteriorate.... With the population near starvation and without medicine or basic essentials, the self-defense units of Nagorno-Karabagh had no choice but to establish a corridor from Nagorno-Karabagh to Armenia.
>
> Prior to taking this action, the parliament of the Nagorno-Karabagh Republic made an urgent appeal to the international community for help. They stated that the people of Nagorno-Karabagh could not exist much longer without food and medicine, however, there was no response to this appeal. It should be recognized that the people of Nagorno-Karabagh have not only been blockaded physically, but their isolation has denied them a voice in the international community. During these last months while the CSCE has been mediating the Nagorno-Karabagh conflict, they have not allowed representatives from Nagorno-Karabagh to participate in the negotiations which will eventually determine their fate. We must keep in mind that it is one thing for those involved in mediation efforts in Helsinki, New York, or elsewhere to tell the people of Nagorno-Karabagh that they must not act, they must wait until the conflict is resolved through peaceful means, without allowing their participation and it is another thing to expect those who are watching their people dying from the lack of medicine and suffering from starvation not to act. The people of Nagorno-Karabagh waited for four years for help from the international community and no substantial help was forthcoming. They were forced to act for their own survival.[17]

6. CSCE Minsk Group's Preliminary Sessions

While the CSCE and UN continued their mediation and fact-finding efforts, heavy shelling continued along the borders of Azerbaijan with Nagorno-Karabagh and Armenia. In early June, representatives of CSCE states participating at the Minsk peace conference on Nagorno-Karabagh gathered in Rome under the chairmanship of Mario Raffaelli for a preliminary emergency meeting. Contrary to his mandate from the 24 March 1992 CSCE Council of Ministers meeting to invite "elected representatives of Nagorno-Karabagh" to the peace conference, Raffaelli invited "representatives of the Armenian community" to "observe" the conference. Rejecting such a status, the government of Nagorno-Karabagh declined to attend the Rome meeting. The delegation of Armenia urged the Rome preliminary emergency meeting to convene the Minsk peace conference as soon as possible and without preconditions. Turkey and Azerbaijan insisted on the precondition of Armenian forces withdrawing from Latchin and Shushi and a return to the *status quo* existing prior to the take-over of those cities. The Rome meeting suspended its work until June 15, because the issues discussed depended upon the Nagorno-Karabagh authorities' participation for implementation.

On June 12, while the President of Nagorno-Karabagh Gyorgy Petrossian was consulting in Moscow with Chairman Raffaelli about Nagorno-Karabagh's participation in the Rome preliminary meeting of the Minsk group, Azerbaijan launched a massive offensive which eventually overran the northern regions of Nagorno-Karabagh, displaced some 20,000 people, and massacred hundreds of Armenian civilians. The Azerbaijani offensive put into question the CSCE sponsored peace process. Armenia decided to attend the second round of the Rome preliminary meeting on June 15. But Nagorno-Karabagh could not attend the Rome meeting due to the Azeri offensive. Later, the Rome conference suspended its session until June 29.

On 22 June, the UN Security Council considered sending military observers to Nagorno-Karabagh and opening offices in Yerevan and Baku. The Security Council President, Paul Noterdaeme of Belgium, stated "it is not excluded that in a couple of weeks the Security Council will decide to send observers", which would depend on progress made at the CSCE peace conference on Nagorno-Karabagh. The Security Council President stated, Secretary-General Boutros-Ghali was investigating how the UN could assist the CSCE "eventually by sending [military] observer

17 Letter dated 22 May 1992 from the Permanent Representative of Armenia to the United Nations Addressed to the President of the Security Council, S/24029, 28 May 1992.

groups to the region." But a confidential report obtained by reporters and prepared by UN envoy Francesc Vendrell said Armenia wanted UN troops, not lightly armed observers. Sending observers "would merely enable Azerbaijan to rearm, create a pretext for calling for the withdrawal of the observers and launch a full scale attack on the enclave", Vendrell stated in the report. The Security Council also considered the best way to channel humanitarian aid to the region. Vendrell's report recommended UN offices in Baku and Yerevan to operate as "listening posts" and to include political, military and humanitarian officers.[18]

On the eve of a third round of the Rome preliminary conference, scheduled to start on June 29, Azerbaijan launched another offensive on Nagorno-Karabagh. On June 28, the Presidium of Nagorno-Karabagh's Parliament decided to decline participation at the Rome meeting enumerating three concerns: (1) Nagorno-Karabagh authorities had not received an official invitation clarifying the status of their participation - the only invitation received was addressed to "the representatives of Stepanakert"; (2) by launching massive offensives on the eve of each session of the Rome discussions, Azerbaijan was in effect attempting to sabotage any participation by representatives of Nagorno-Karabagh; and (3) by accepting *a priori* a solution to the Nagorno-Karabagh conflict within the territorial integrity and constitutional framework of Azerbaijan, the CSCE process was in effect prejudging the outcome of the peace talks before even hearing the Nagorno-Karabagh argument. Nonetheless, on July 2, the Nagorno-Karabagh leadership reconsidered its earlier decision and decided to send a delegation to the Rome meeting.

On July 3, a new Azeri offensive overwhelmed the Armenian self defense forces and the entire northern part of Nagorno-Karabagh was overrun. An additional 30,000 Armenian civilians were displaced, more than a thousand civilians were unaccounted for and feared disappeared, and hundreds were slaughtered or maimed. Nonetheless, the Nagorno-Karabagh delegation arrived in Rome to participate for the first time in the conference. However, with Turkey and Azerbaijan using their veto power, the conference refused the Nagorno-Karabagh delegation even the right to make a statement and explain its position. The Nagorno-Karabagh delegation thus returned home. Under the circumstance and also because the Rome conference refused to condemn the ongoing Azeri offensive against Nagorno-Karabagh, the delegation of Armenia suspended its participation as well. Armenia declared it would review the CSCE effort in the region to determine if indeed CSCE was the best vehicle to mediate the conflict. The fourth round of the Rome conference, scheduled to start on July 15, was canceled because representatives of Armenia and Azerbaijan were absent. Mario Raffaelli, the chairman of the CSCE peace conference on Nagorno-Karabagh, admitted that the Rome preliminary conference had reached a deadlock - a 30-day cease-fire proposed by Raffaelli failed to come into force and a new CSCE proposal to dispatch 100 cease-fire observers into Nagorno-Karabagh failed as an agreement could not be reached. In early August, the fifth round of the Rome preliminary peace conference suspended its work without reaching an agreement and without setting a new date to continue its work.

Meanwhile, on 8 July, the Parliament of Armenia adopted (169 for and 3 against) a resolution calling for the Armenian Government not to ratify any international or domestic documents referring to the Nagorno-Karabagh Republic as an integral part of Azerbaijan.

7. More Peace Initiatives Fail

In late July, new peace initiative was launched by Russian special envoy at the CSCE, Vladimir Kazimirov. The Russian initiative called for a termination of all combat activities, withdrawal of all military units five kilometers behind present confrontation lines, thus creating a demilitarized zone, and the start of political dialogue. Soon after, Russia's Foreign Minister Andrei Kozyrev announced yet another peace initiative calling for a meeting between Russia, Armenia and Azerbaijan to discuss a cease-fire agreement to take effect immediately. Encouraged by the success of its peace-keeping efforts in South Ossetia and Moldova, the new initiative called for Russian peace-keeping force in Nagorno-Karabagh under the aegis of the UN, the CSCE or the CIS.

On 26 August 1992, the UN Security Council addressed the worsening war in Nagorno-Karabagh, expressed deep concern, and urged all parties to agree to a cease-fire and negotiate. The Security Council statement concluded, "the members of the Council will consider, further, the role of the United Nations in Nagorno-Karabagh at an appropriate time in the light of the developments of the situation in the area."

Meanwhile, chairman Mario Raffaelli of the CSCE Minsk peace conference visited Baku and Yerevan urging a 60-day cease-fire. Armenia and Nagorno-Karabagh agreed to a cease-fire but expressed concern that the proposed agreement was vague and that the CSCE may not be able to enforce it. While intense fighting continued in NK and on the border between Armenia and Azerbaijan, President Nazarbaev of Kazakhstan brought to the negotiating table in Alma-Ata the Foreign Ministers of Armenia and Azerbaijan. A 60-day cease-fire agreement was signed between Armenia and Azerbaijan. However, Azerbaijan denied that the cease-fire agreement was applicable to Nagorno-Karabagh and continued its offensive in enclave. While intense fighting continued in early September, a new round of negotiations of the CSCE sponsored Minsk preliminary peace conference took place in Rome with all parties present. The conference concluded with another impasses without reach-

18 Reuter, 22 June 1992.

ing any agreement.

On 19 September 1992, Armenia and Azerbaijan signed a new cease-fire agreement mediated by Russian Defense Minister Pavel Gratchev. The agreement called for a 60-day cease-fire starting on September 25 midnight. Armenia and Azerbaijan requested from Russia, Georgia, Belarus, Ukraine and Kazakhstan, to send cease-fire observers. The two countries also agreed to exchange observers to monitor each other's military activities. The agreement called for peace-keeping forces to be dispatched if necessary. However, the agreement was again signed without the participation of Nagorno-Karabagh, the main conflicting party, and was doomed to failure.

On 20 September 1992, the Nagorno-Karabagh Parliament Presidium appealed to the UN General Assembly to convene an independent commission of experts to examine the legal dispute underlying the Nagorno-Karabagh conflict. The Presidium called for negotiations between Nagorno-Karabagh and Azerbaijan for the status of the enclave based on the findings of that commission. The call was ignored by the international community.

On 27 October 1992, the UN Security Council adopted another statement on the situation in Nagorno-Karabagh, appealing for an immediate convening of the Minsk Conference in the framework of the CSCE and for the beginning of political negotiations for a comprehensive settlement. The Council also appealed for the immediate implementation of the cease-fire agreement reached at Sotchi in September. The Council further welcomed the Secretary-General's decision to send a representative to the region to examine what contributions the UN could make in support of the CSCE efforts. On November 3, UN Secretary-General Boutros Boutros-Ghali appointed Omar Halim as his representative for Nagorno-Karabagh and Horst Heitman as a deputy representative. The two representatives traveled to Armenia and Azerbaijan, but failed to reach Nagorno-Karabagh. Their findings have not been made public.

8. Peace Process at an Impasse

In early December, at the CSCE Foreign Ministers meeting in Stockholm, Armenia and Azerbaijan traded accusations. The two sides were so far apart that the CSCE was capable only of agreeing on a decision to ask the chairman of its proposed Minsk peace conference on Nagorno-Karabagh, Mario Raffaelli, to continue his "tireless efforts to advance the peace process." At the same meeting in Stockholm, Armenia became one of the first signatories of a CSCE Convention on Conciliation and Arbitration. The Convention sets up a Court of Conciliation and Arbitration whose decisions are compulsory for states submitting disputes to the court.

In early January 1993, in a joint statement in Moscow, Presidents Bush and Yeltsin expressed grave concern over the continued fighting in Nagorno-Karabagh and on the border between Azerbaijan and Armenia. "We note with concern that the conflict continues to sharpen, and inhumane bombardments, the flow of refugees, blockades, human rights violations, including the kidnapping of hostages and barbaric treatment of prisoners are all increasing. These acts have called for the attention and condemnation of civilized states, the United Nations and international humanitarian organizations," stated the joint declaration. Pamakh Husseinov, Azerbaijan's Secretary of State, scorned the joint declaration and stated, "this conflict will not be resolved in Moscow or Washington, but most probably on the battle field." Armenia and NK expressed total support for the joint declaration.

Meanwhile, fighting continued in and around Nagorno-Karabagh and on the border between Armenia and Azerbaijan.

V. Conclusion & Recommendations

For the past five years, the people of Nagorno-Karabagh have urgently and repeatedly appealed for help from the international community. Their pleas have been ignored. The discriminatory treatment and gross violations of human rights and fundamental freedoms, continuing for decades, predictably culminated in wholesale deportations, massacres, and war. Left alone against the combined state violence of the Soviet Union as well as Soviet Azerbaijan, and later against the independent Azerbaijan Republic, the Armenians of Nagorno-Karabagh resorted to armed self-defense.

Their self-defense effort served as a pretext for Azerbaijan to massacre and deport from their ancestral villages those who dared question the legitimacy of a state which could not protect its minority. Even then, their pleas were ignored by the international community. Completely isolated, the people of Nagorno-Karabegh declared independence and seceded from Azerbaijan in order to determine their own fate and insure their right to life in the enclave. Soon after, the conflict developed into a full scale war between Nagorno-Karabagh and Azerbaijan. As in the case of all wars, ultimately, civilians on both sides have become the victims.

When the international community finally attempted to mediate a peaceful solution to the conflict, despite earlier disappointments and erosion of confidence in the international community's ability to act, the effort was welcomed by the Nagorno-Karabagh Republic. However, the international community again failed and the mediation effort became bogged down by the geopolitical interests of regional powers posing as mediators. The international community, primarily CSCE, failed to mediate objectively, prejudged the outcome of peace negotiations by espousing views advocated by one party to the conflict,

failed to comprehend that the Nagorno-Karabagh government had effective control of the territory at issue and was an essential party in the negotiation process to end the conflict, and failed even to permit the Nagorno-Karabagh government to explain its position during preliminary peace talks in Rome. The consequence was a further erosion of confidence that the international community was capable or willing to end the conflict by finding an equitable solution. Another consequence was the loss of trust in international guaranties. The result was a complete reliance on self-help, self-defense and armed struggle, further polarizing the region and aggravating human rights and humanitarian conditions. In effect, the CSCE mediation effort to date has worked against resolving the Nagorno-Karabagh conflict.

After numerous failed attempts to negotiate an end to the Nagorno-Karabagh conflict without participation by the principal protagonist, it is obvious that mediation cannot succeed without the full and meaningful participation of the Nagorno-Karabagh government. To accomplish this, it would not be necessary for the international community *a priori* to recognize Nagorno-Karabagh as an independent state, but simply as a belligerent party in effective control of a disputed territory. Only then can any mediation effort move forward constructively.

The year-long CSCE failed mediation effort and the urgency of the situation may require a reevaluation of the whole process to determine if the United Nations, with its extensive experience in the realm of work for peace, may not be a more suitable forum to mediate the conflict. It may be advisable to convene urgently a new peace conference with participation by all countries of the region, including Armenia, Azerbaijan, Russia, Turkey and Iran, as well as other interested states. The new peace conference could call for immediate measures to de-escalate the war and create conditions conducive for constructive dialogue in search of long term and durable solutions. The immediate measures could include a cease-fire without any preconditions and an end to the blockades, the dispatch of monitors and other peace-keeping efforts, guaranteed humanitarian corridors to relieve dire conditions, and severe sanctions for any cease-fire violator. Intermediate measures could include the voluntary repatriation or resettlement of refugees and displaced persons, assistance to repair the consequences of the war, technical assistance to promote respect for human rights as well as humanitarian law, and other measures to build confidence. Only then can a constructive dialogue start in search of long term solutions for peace-building.

Respect for human rights, including the right to self-determination, non-discrimination and minority rights should serve as the fundamental guidelines to any long term post-conflict peace-building effort in Nagorno-Karabagh. Sovereignty and territorial integrity must not be permitted to work against the principle of self-determination.[19] The territorial integrity of a State is conditioned by the State conducting itself in compliance with its duty to promote universal respect for and observance of human rights and fundamental freedoms, including the principle of equal rights. Once a State ceases to represent equally the interests of all its peoples, then that State has the duty to refrain from forcible action which deprives the disenfranchised people of their right to self-termination, freedom and independence.[20] Azerbaijan has ceased to represent the interests of its Armenian minority, especially of those remaining in Nagorno-Karabagh. As such, the remaining Armenians in Nagorno-Karabagh are entitled to self-determination, freedom and independence.

Gross violations of human rights and fundamental freedoms, repeated *pogroms*, deportations and threats to the continuing presence of Armenians in Nagorno-Karabagh which further exacerbated the deep-rooted lack of confidence between Armenians and Azeris, and the international community's long standing reticence against such gross violations, lead to the conclusion that "cultural autonomy" or "autonomy with international guaranties" are not viable long term solutions and in the long run cannot guarantee human rights and fundamental freedoms in the region. Such half-measures would simply sow the seeds for future conflicts. Other solutions in conformity with the right to self-determination must be considered, including recognition of Nagorno-Karabagh's independence, or its reintegration into Armenia with necessary border changes.

United Nations human rights bodies, including the Commission on Human Rights, and the international human rights community could support the peace process by providing technical assistance in the field of human rights promotion and protection, as well as by monitoring progress in this area. In addition, the Commission could review its role during the earlier stages of the Nagorno-Karabagh conflict and determine ways in which, in the future, it could address more effectively similar conflicts, thus heeding early warnings. But above all, and urgently, the present session of the Commission must condemn unequivocally the use of blockades to accomplish military or political objectives against Armenia and Nagorno-Karabagh. The Commission must urge the international community to call upon Azerbaijan immediately to end the blockade unconditionally, before hu-

19 An Agenda for Peace, Prevention diplomacy, peacemaking and peace-keeping, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, p. 5, par. 19, A/47/277, S/24111, 17 June 1992. Hereinafter referred to as An Agenda for Peace.

20 Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of the United Nations, Resolution 2625 adopted by the General Assembly on 24 October 1970.

man rights and humanitarian conditions in Armenia and Nagorno-Karabagh deteriorate further, causing irreparable damage.

Peace-keeping, peacemaking, and post-conflict peace-building require that each of the principal organs of the United Nations function in balance and harmony as required by the Charter. Conflict prevention and resolution require that appropriate UN organs "seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results."[21] Thus, the United Nations human rights organs as well as the international human rights community have a duty to contribute to this endeavor. Indifference to human rights violations can only result in future conflicts.

* * *

21 An Agenda for Peace, p. 4, par. 15-16, emphasis added.

HEARING ON THE SITUATION IN THE TRANSCAUCASUS

STATEMENT BY ROSS VARTIAN, ARMENIAN ASSEMBLY OF AMERICA

The Armenian-American community welcomes and acknowledges the continuing interest of the Commission's Chairman Steny Hoyer and Co-Chairman Dennis DeConcini in the situation in the Transcaucasus generally and the Republic of Armenia specifically. I would also like to acknowledge the support and good counsel provided by Staff Director Sam Wise and his colleagues Jesse Jacobs and Michael Ochs.

General Situation In Armenia

Mr. Chairman. Since the January 28 briefing on Armenia organized by the Armenian Assembly under the auspices of the Commission, I had the privilege of joining Congressman Kennedy and some 50 members of the Moscow-based western press corps in a two day visit to Yerevan, Armenia's beleaguered capital. Time magazine's Frederick Painton said of that visit, "As the wintry sun sinks, Armenia's capital takes on the eerie cast of a medieval town under siege". Words cannot adequately capture the intensity and breadth of human suffering we saw.

The President of the Republic of Armenia has declared a "state of national disaster." In that appeal to the world, President Ter-Petrossian stated that, "The Government and people of Armenia urgently require sustained, effective humanitarian assistance in order to prevent deaths in the tens of thousands..." Since his December 7 appeal, the humanitarian crisis has deepened.

As a result of state-conceived blockades imposed upon Armenia by the Republics of Azerbaijan and Turkey, compounded by the inability of the government of Georgia to maintain with any predictability its transport and fuel pipeline routes to neighboring Armenia, the human misery which constitutes normal life in Armenia is the equal of Bosnia and Somalia. These blockades constitute an unconscionable war on civilian populations. In the capital of Yerevan, a once modern city (by Soviet standards) of 1.3 million, there is no heat, only sporadic electricity, no hot water, increasingly contaminated drinking water, no public transport, limited foodstuffs, primitive medical conditions - and perhaps most importantly - no relief foreseen. A composite of recent assessments by IFRC, ICRC, UNICEF, American Red Cross, USAID, Centers for Disease Control and UNHCR on the humanitarian situation in Armenia indicates that 40% of the population (elderly, children, refugees, and homeless earthquake victims) is at risk this winter/spring. Estimates of casualties among the at-risk groups due to starvation, exposure, inadequate medical attention and preventable disease is 30,000.

All facets of life in Armenia are nightmarish. In the medical field, only four of the country's nine hospitals are working. The fuel shortage has halted ambulance service and greatly reduced delivery of vital supplies. Due to the scarcity of anesthetics, patients have been forced to use the only remaining substitute - vodka. Sanitary standards cannot be maintained due to lack of heat, hot water and antiseptic chemicals.

The situation is the same in food, transport, housing and utilities. All human services are paralyzed by the blockades. The economy is no exception. As the one republic that has traveled the farthest in dismantling the command apparatus of a socialized economy, Armenia has made significant progress in creating a western-modeled, civil society. Eighty percent of the agricultural sector has been privatized. An accelerated schedule for the further denationalization of state enterprises was devised. Banking and other financial institutions are being organized, and the government is making preparations to issue its own currency. However, the blockade-driven collapse of the Armenian economy threatens to undo these additional reforms and to destablize one of the bona fide democratic governments in the former Soviet Union.

In a January 25 article in the Boston Globe on the situation in Armenia, correspondent Jon Auerbach confirmed what is generally known about the public popularity of President Ter-Petrossian. The author of the far reaching reforms in place and contemplated, his positive rating of 83% when he was elected has plummeted to single digits. In an extraordinary remark the Globe attributed to the President, he stated, "If the people were convinced that overthrowing me would make things better, they would do it immediately."

As this quote implies, the humanitarian crisis dominates Armenia's public and private life. Further democratization and market reform await resolution of this more pressing question which affects the lives of each of that nation's some 3.6 million citizens. Yet both the humanitarian crisis and the now stalled westernization program are hostage to blockades beyond the control of the government of Armenia.

U.S. Response

There is no doubt that the United States is committed to an Armenia that is independent, democratic and free market structured. The U.S. has also consistently called for peaceful settlement of the Nagorno-Karabakh conflict and an

end to all blockades. From recognition of Armenia's independence on December 25, 1991 to the recent announcement of "Operation Winter Rescue" to the leading role in the CSCE talks, the United States has been in the forefront of the western initiative in the Transcaucasus generally and Armenia specifically.

With regard to the humanitarian crisis, the United States has been and should continue to be the lead donor and catalyst for others to follow. It has been the Armenian Assembly's privilege to work very closely with all US agencies involved in this extraordinary humanitarian effort.

There is no doubt that thousands of lives will be saved this winter and spring in Armenia and Nagorno-Karabakh because of America's leadership. There is also no doubt that the U.S. and other donor nations will have to go beyond aid in the pipeline and as contemplated through "Operation Winter Rescue" in order to deal effectively with the rapidly deteriorating situation.

On the diplomatic/political front, Congress periodically expressed its sense in opposition to blockades against Armenia and Nagorno-Karabakh, in condemnation of Azerbaijani majority discrimination and violence against its Armenian minority, and in recognition of the right of self-determination for the people of Nagorno-Karabakh. Congressional delegations to Armenia from post earthquake humanitarian missions to observers of independence and presidential voting to the recent mission by Congressman Kennedy have served to underscore the importance of Armenia and the Transcaucasus to the United States. Congress also passed into law as part of the Freedom Support Act a sanctions provision against Azerbaijan unless "demonstrable steps" are taken to end the blockades and other uses of offensive force against Armenia and Nagorno-Karabakh. As an extension of this principle and in order to help end this practice generally, we call upon the Congress to restrict US aid to any nation that blocks or otherwise impedes US aid to any other nation.

The Bush Administration relied primarily on the CSCE as an alternative to the United Nations to engage Armenia, Azerbaijan and the still in dispute representation of Nagorno-Karabakh in an international dialogue leading to the peaceful resolution of the conflict. As for the blockades, the Bush Administration relied almost exclusively on private diplomacy to end Azerbaijan's and Turkey's actions. The Bush era ended with no success in modifying Azerbaijan's position. In the case of Turkey, sustained and aggressive diplomacy was required to secure commodity specific or event linked

exceptions to Turkey's general policy of closed borders (de-facto blockade). Most recently, a pre-Minsk round of discussions is reputed to have ended in an agreement to place observers in Nagorno-Karabakh once a ceasefire is achieved. This is a welcome first step in securing what the Republic of Armenia has called for consistently and well before the recent escalation of military activity - an internationally supervised cease fire without preconditions. We commend Ambassador Maresca for his sustained efforts to move the CSCE process forward and urge that the US do all that is possible to accelerate the pace and intensity of our diplomacy.

Conclusion - Agenda For The Future

It is the stated policy of the United States that it is in our national interest for the nations of the former Soviet Union to opt for democratization, market reform, adherence to human rights, and peaceful resolution of disputes. As for the Muslim southern rim republics of the former Soviet Union, the secular and western model of the Republic of Turkey has been advanced by the United States.

In order for these objectives to be met, Armenia and Azerbaijan - and to a lesser extent Georgia - must be directed to accommodation as opposed to confrontation. This cannot be achieved without greater U.S. interest and engagement.

The conflict over Nagorno-Karabakh escalates. A struggle that began peacefully turned violent - initially with rifles and now with the full array of weapons of the former Soviet Union. The struggle is more lethal over a much wider area giving rise to legitimate fears that the conflict could become regional. In its cross border shelling and bombing of population centers within Armenia, Azerbaijan is attempting to draw Armenia into direct engagement.

With the Minsk round of CSCE talks approaching, it would appear that the current leadership of Azerbaijan has not yet rejected the option of military force. The situation is highly volatile now and will become more so if the diplomatic deadlock continues. Russia, Turkey and Iran assert vital interests of their own in the Transcaucasus mix.

It is in this context that the following agenda for the future is offered:

For the Clinton Administration

- expand humanitarian assistance to include the immediate fuel crisis and the related increased risk of Armenia's partially deactivated nuclear power facility; renew requests for other nations to join in the effort

- engage in sustained public in addition to private diplomacy to end the Republic of Turkey's de facto blockade of Armenia and Nagorno-Karabakh
- make possible the prompt convening of the Minsk round of CSCE talks without pre-conditions
- in addition to the ongoing CSCE talks, lead the effort to adopt and implement appropriate UN actions to secure: 1) an end to all blockades in the region, 2) internationally supervised humanitarian, then commercial corridors, and 3) internationally monitored ceasefire
- request that the UN's Department of Humanitarian Affairs issue another donor appeal and provide US leadership in securing an adequate response

For Congress

- consider promptly the Administration's nominee of a U.S. Ambassador to Armenia
- send delegations to the Transcaucasus on the subjects of human/minority rights, blockades, status of negotiations, and the humanitarian situation
- early review of the Republic of Turkey's blockade of the Republic of Armenia and Nagorno-Karabakh
- express support for the items proposed above for Clinton Administration implementation
- monitor State Department compliance with the Azerbaijan sanctions provision of the Freedom Support Act

For The Commission

- establish regular monitoring of and reporting on human rights/minority rights violations in the region
- establish regular monitoring of and reporting on state interference in humanitarian relief operations in the region
- conduct a member/staff visit to the region as soon as possible

. . .

Mr. Chairman. The violence in and around Karabakh erupted five years ago because a minority enclave sought clearly defined rights from the surrounding majority state. The record clearly shows that the majority's initial response was denial and greater discrimination, leading ultimately to

violence. The Karabakh movement began with demands for reform, not reunification and certainly not statehood.

There are similar minority enclaves elsewhere in the Transcaucasus, as well as other parts of the former Soviet Union. This gerrymandered colonial empire, where peoples were pitted against one another to increase the influence and leverage of the old central authorities, is now in the process of de-colonization. Greater western involvement is essential if this process is to be a peaceful, rather than violent one. The peoples of minority enclaves must believe that something is in place to protect their legitimate interests and institutions from the majority.

In the case of Karabakh, there were ample opportunities to intervene before majority violence begat minority violence - before expulsions begat counter expulsions. Karabakh could have been a model for resolving the question of the place of minority enclaves in a post-Soviet reality. Instead, it has become the primary symbol of the consequences of doing too little too late.

The Armenian Assembly of America is a national non-profit organization which promotes public understanding and awareness of Armenian issues.

ARMENIA ISSUE BRIEF

February 1993 • Number 4

THE PLIGHT OF THE NEW NATIONAL MINORITIES

The plight of minorities is one of the most nettlesome international problem facing President Clinton, other world leaders, and the United Nations. All recognize the need to find equitable arrangements in multi-national states that protect the human, civil, political, and cultural rights of ethnic and religious minorities. The inability to find peaceful formulas to resolve this problem is causing death and anguish from Northern Iraq to Northern Ireland, from Bosnia to Nagorno-Karabagh.

The collapse of the Soviet Union created, overnight, a host of dangerous minority problems. Millions of former Soviet citizens, an estimated 20 percent of the population, found themselves living in the newly independent states as ethnic minorities. In the absence of constitutional guarantees, ethinic tensions abounded. Fears of persecution or intervention where Russians are in the minority and conflict in such places as the once autonomous regions of South Ossetia and Abkhazia in Georgia bear this out.

In Armenia these latent problems quickly materialized in devastating ways. The people of Armenia were the first to experience the blows of ethnic violence. Armenians living in Baku and Sumgait, Azerbaijan, were victims of pogroms which left scores killed by mobs and forced some 300,000 to flee to Armenia or Russia. These unfortunates were suddenly transformed from ethnic minority to refugee.

Those who fled for safety to Armenia found life almost intolerable. The government in Yerevan had neither the facilities nor the financial resources to absorb the new arrivals from Azerbaijan. The problem grew worse when thousands more were expelled from their homes or fled because of armed conflict in the disputed region of Nagorno-Karabagh. In turn, thousands of Azeris who had been living in Armenia moved to Azerbaijan fearing for their own safety.

The Armenian experience is a tragic example of what might lie ahead for other minorities in the newly independent states of the former USSR. This fear is manifest in each of the new republics of the Commonwealth of Independent States (CIS).

Office of Research & Analysis
ARMENIAN ASSEMBLY OF AMERICA
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Armenia today is burdened with over 300,000 refugees from Azerbaijan and Nagorno-Karabagh. With 200,000 survivors from the 1988 earthquake also still homeless, Armenia must care for a half million persons with no means of supporting themselves. This tragedy is compounded further by the Azerbaijani blockade which denies Armenia its main rail access to its traditional sources of fuel and foodstuffs.

This crisis has been ameliorated, somewhat, by U.S. assistance, help from U.N. agencies, and other Western sources. But these efforts are clearly insufficient. In any case they deal only with the consequences of the problem and not the solution.

Today, international public attention is focused on Somalia and the outrages in Bosnia. The plight of Armenia and Armenians in the remote mountains of Nagorno-Karabagh has fallen from public view. It is ignored even though the Armenians of Nagorno-Karabagh were the first to invoke actions legally to secede from Azerbaijan. The five-year-old armed conflict is the longest running dispute among former Soviet republics. The Nagorno-Karabagh problem has become part of a dangerous process which is spreading quickly and widely throughout the former Soviet Union.

The delay in finding equitable and peaceful resolutions of the Nagorno-Karabagh and other conflicts is only leading to the deterioration of ethnic relations. For its part Armenia has been supportive of international efforts to affect a cease-fire. Most recently, it endorsed the January 1993 joint appeal by Presidents Bush and Yeltsin for an end to fighting and the start of negotiations among the principals. Yet the conflict continues. The resolution of disputes, latent and violent, involving minority rights has become the newest imperative in international affairs.

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JOHN KERRY
MASSACHUSETTS

United States Senate
WASHINGTON, DC 20510

February 22, 1993

Hon. Warren Christopher
Secretary of State
Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

We write to urge a stronger U.S. response to the crisis in the Republic of Armenia.

The people of Armenia are experiencing winter without fuel or adequate supplies of food as a result of the continued economic blockade imposed by neighboring Azerbaijan and the sabotage of a natural gas pipeline through Georgia. Shortages of petroleum, power, food and basic supplies are causing not just inconvenience, but extreme hunger, hardship and death, especially among the youngest and most vulnerable segments of Armenia's population.

Although we are well aware that only limited funds are available to aid the Republics of the former Soviet Union, we believe that Armenia is particularly deserving of greater help. Armenia has demonstrated a clear commitment to democracy; its leadership has acted responsibly in its confrontation with Azerbaijan over the future of Nagorno-Karabakh; and its people have been forced to cope with the successive economic shocks of the 1988 earthquake, the influx of 360,000 refugees and the blockade.

We are proud that the United States has taken the lead in providing emergency aid to Armenia, but recognize that the scope and rate of aid is not sufficient. We must do more, and we must encourage the world to do more.

We must also develop a strategy, in coordination with the United Nations, to resolve the political and diplomatic crises that cloud Armenia's future and pose the risk of prolonged military tensions throughout the region. Specifically, we urge the Administration to take the following four steps:

1) increase U.S. humanitarian assistance to Armenia sufficient to end critical shortages of fuel, food, and medicine, and encourage our friends and allies to do the same;

2) ensure through high-level discussions with the Government of Turkey that restrictions are not placed on the flow of nonmilitary goods through Turkey to Armenia;

3) press for an end to the Azeri blockade of Armenia and Nagorno-Karabakh through: a) enforcement of section 907 of the Freedom Support Act (which bars assistance to Azerbaijan pending steps to lift the embargos), b) appropriate international sanctions directed against Azerbaijan if progress is not forthcoming; and c) multilateral negotiations aimed at achieving a regionwide, internationally-supervised ceasefire and an end to military and economic aggression by all sides; and

4) early submission to the Senate of a qualified Ambassador-designate to Armenia.

Unless strong actions are taken, there is a grave risk that the suffering of the Armenian people will deepen and that the current level of military and political conflict will worsen, at great cost in human lives. We look forward to working with you in the weeks and months ahead to address these problems.

Sincerely,

Claiborne Pell

John Kerry

Carl Levin

Edward Kennedy

Christopher Dodd

Russ Feingold

Harris Wofford

Don Riegle

United States Senate
WASHINGTON, DC 20510

February 16, 1993

The Honorable Suleyman Demirel
Prime Minister of the Republic of Turkey
Office of the Embassy
1606 23rd Street
Washington, D.C. 20008

Dear Prime Minister Demirel:

The crisis in Armenia has reached terrible proportions. Innocents are suffering cruelly through the harsh winter, and many thousands are dying. The spring and summer will bring devastating outbreaks of disease caused by the contamination of water supplies, threatening countless others. The situation is tragic, and threatens to get even worse.

That is why we are writing you with this appeal. Turkey is in a position to help end this human tragedy. We urge your government to do what is right and just to end this suffering. We commend you for the recent public commitments your government has made to assure the delivery of food, fuel and medicine through your country. We urge your government to adhere to these commitments. More specifically, we ask your government to honor the agreement you reached with Armenia late last year for the delivery of electricity. Innocent lives are being lost because its implementation is being unnecessarily delayed. We urge you to put aside political considerations and to proceed with the delivery of the electricity.

Electricity and fuels are desperately needed, and without a large and uninterrupted supply, the world will witness yet another unnecessary horror of unfathomable scope that could have been prevented by people of good will. We urge you to do all within your power to see that Turkey honors its already-signed agreements, and to take further steps to eradicate any remnant of the blockade that has devastated the people of Armenia.

Thank you for your consideration. Your government's actions could relieve immeasurable human suffering and save countless lives.

Sincerely,

Robert C. Byrd
Robert Byrd

Carl Levin
Carl Levin

Connie Mack

Joe Lieberman

Paul Sarbanes

Diane Feinstein

Alphonse D'Amato

Paul Simon

Larry Pressler

Tom Harkin

Bill Bradley

Ben Nighthorse Campbell

Barbara Boxer

Frank Lautenberg

John Chafee

Joe Biden

Harry Reid

Richard Lugar

Hank Brown

James Jeffords

Charles Robb

Robert Dole

Carol Mosely Braun

James Sasser

CONFLICT IN THE CAUCASUS

Background, Problems, and Prospects for Mitigation

by Paul B. Henze

Introduction: Taken as a whole, the Caucasus has been favored by nature as much as any comparable region in the world. A splendid 600-mile-long mountain chain divides the region in two from northwest to southeast. High peaks with glaciers and permanent snow--Mt. Elbruz reaches 18,471 feet--feed rivers that water attractive valleys and plains both to the north and the south where an enormous variety of crops can be grown and livestock grazed. The Caspian Sea on the east provides an easy water route to Central Asia and, via the Volga, to the Russian interior. The Black Sea, with its dependable moist winds, creates a subtropical microclimate along the western Caucasian coast. It also provides a sea link to Ukraine, the Balkans, and through the Turkish Straits to the Mediterranean world. On both sides of the mountains vast coniferous and deciduous forests survive, having suffered little degradation during the Soviet period. The Caucasus has been noted for its mineral wealth since ancient times. Azerbaijan's oil, which began to be developed in the late 19th century, fueled much of the Russian economy well into the Soviet period. At the beginning of the 20th century the oilfields around Grozny in Chechnia were opened up and still provide a major share of the ex-Soviet Union's aviation fuel. The region is capable of feeding and clothing itself from its own resources. It has a well developed infrastructure but is not overpopulated. Why is such an attractive part of the world, blessed by nature, the locus of so much strain and conflict?

Several factors are responsible and must be taken into account by those interested in helping Caucasians work out their problems and chart a clear course into the future.

History: As throughout the ex-communist world, history has come alive again in the Caucasus in ways that are difficult for those who have not experienced communism to understand. Since the region is among the oldest settled regions on earth and populated by peoples speaking languages related to no others in the world, it has a great deal of history which extends far back into ancient times. During the Soviet period all history was suppressed or forced into a rigid, dogmatic framework which left most Caucasian peoples feeling cheated of their past, but deeply concerned about their identity and their roots. With the collapse of communism, they are free to repossess their history and explore their roots. It is exciting to watch this process. But there is also a downside. Each ethnic group has its own version of its origin and its past and these, more often than not, conflict with neighbors' versions. There is, thus, a great deal of argumentation about

history. Current problems are too often debated in terms of ancient texts, archaeology, and even legends and myths. Intriguing and entertaining as such argumentation may be, it tends to exacerbate and obfuscate conflicts rather than facilitate settlement of them.

The history of the Caucasus during the last two or three centuries is as much a colonial experience as the history of India, most of the Middle East, or Africa. Outsiders steeped in Russian history often forget this. The Russian advance into the Caucasus began in the 17th century but did not proceed very rapidly until the end of the 18th century. Then it accelerated with great speed and considerable drama. By the end of the first quarter of the 19th century the Russian Empire's boundaries with Turkey and Iran had been firmly established where they remained, with only slight changes, until the Soviet Union collapsed in 1991 and the newly independent Transcaucasian republics inherited them. The predominantly Muslim North Caucasus was not subdued until the 1860s. Many of its peoples never reconciled themselves to Russian domination. They revolted every time there was a good opportunity. Both they and most of the peoples of the Transcaucasus now see themselves as liberated from a colonial past. They display many of the attitudes and behavior patterns characteristic of ex-colonial Asians and Africans.

Ethnicity: The ethnic complexity of the Caucasus makes areas such as the Balkans or Afghanistan look simple in comparison. Ethnic awareness and language are, with few exceptions, inextricably linked. Depending on criteria used for classifying peoples and languages, as many as fifty ethnic groups, each with its own distinctive language or dialect, can be catalogued in the Caucasus. The most numerous of the indigenous nationalities are the Azeris, the Armenians, the Georgians, and the Chechens. The Azeris are Turks and speak a language close to the Turkish of Anatolia. The Armenians are an Indo-European people. The Georgians and the Chechens are peoples unique to the Caucasus, often termed Paleocaucasians. There are perhaps as many as two dozen other Paleocaucasian ethnic groups in the North Caucasus. These include the Abkhaz and several Circassian subgroups, the Chechens' cousins the Ingush, and the Avars, Lezgins and several others in Dagestan, which is the most ethnically complex of all Caucasian territories. Turks came into the Caucasus for the most part during the first millennium of our era and in addition to the Azeris include four North Caucasian ethnic groups: the Karachai, the Balkars, the Nogais, and the Kumyks. There are smaller Turkic groups as well, such as the Meskhetian Turks of Georgia, who were deported (along with several North Caucasian peoples) at the end of World War II but were not allowed to return when the others were restored to their native territories at the end of the 1950s. The Ossetes who occupy the center of the North Caucasus speak an Iranian language. The Kalmyks who occupy a large territory in the steppes north of the mountains are Mongols. There are other, smaller, Iranian-

related groups. Sizable groups of Greeks have lived in the Caucasus since ancient times. Finally, there are Kurds, Assyrians, several kinds of Jews, and last but not least, Slavs.

Russians first came to the Caucasus as Cossacks in the 16th century and intermarried with native peoples, but their Russian ethnic consciousness was reinforced in the 19th century when they often played an important role in Russian military campaigns against the North Caucasian mountaineers. Since the collapse of the Soviet Union, Cossacks have experienced a rebirth of tradition and identity. Other Russians, along with Belorussians and Ukrainians, came to the Caucasus as settlers, officials, traders, entrepreneurs, and technicians from the late 19th century onward. The in-migration of Russians accelerated sharply during the first decades of the Soviet period, but from the beginning of the 1970s there has been a net outflow of Russians and other Slavs. It has accelerated markedly since the collapse of the Soviet Union to the point where not more than half a million Russians now remain in the three independent Transcaucasian republics out of a total population of sixteen million. In the North Caucasus, out of a total population approaching six million, perhaps 20% are now Slavs.

Ethnic consciousness is strong throughout the Caucasus and a high degree of adherence to native languages, even where Russian is widely spoken as a second language, is common. Without intending to do so, the Soviet system encouraged ethnic cohesiveness. The collapse of the system has further encouraged it, in some instances to the point of chauvinism, for ethnic groups and their leaders, uncertain of their status and apprehensive about their future and their relations with neighbors, have fallen back on ethnic solidarity to counter their sense of insecurity.

Religion: Religion is, as a rule, a component of ethnicity in the Caucasus, but it is almost always secondary. While, for example, Christians and Muslims feel a high degree of affinity to other ethnic groups of the same faith, adherence to a common religion will not necessarily reduce feelings of hostility and tension if conflict is caused by territorial disputes or exacerbated by economic rivalry. Historically, Russia exploited Georgian and Armenian adherence to Christianity to cast herself in the role of protector of all Christians, but resentment among Georgians of Moscow's domination of the Georgian Orthodox Church runs deep. Among Armenians religion operates in a more complex fashion, but no longer necessarily inclines Armenians toward Russia. While Azeris are perhaps two-thirds Shi'a, religious tension in Azerbaijan has not become a serious problem. North Caucasian Muslims are almost all Sunni. In general Islamic feelings and habits in the North Caucasus are strongest in the east and become less intense toward the west. This reflects the fact that the eastern Caucasus was converted by Arabs who invaded in the first two centuries of Islam. The peoples who lived north of the mountains in the center and west

adhered to ancient forms of Christianity often mixed with more ancient beliefs until the 18th, and in some cases, the 19th centuries.

Religion has been both misunderstood and misrepresented (sometimes willfully by Caucasians themselves) as the primary cause of current conflict. The Abkhaz, for example, repeatedly characterized in the Western press as Muslims speaking a Turkic language, are for the most part not Muslims at all, and their language has no relationship to Turkish. Most Muslim Abkhaz emigrated (or were expelled by the Russians) to the Ottoman Empire in the 19th century, along with perhaps two million other Muslim Circassians, Chechens and others. New North Caucasian leaders (e.g. Dudaev, the Chechen president) have exploited the concept of Islamic solidarity as a cover for intervention in Abkhazia that appears to have had other motivations. Religion is not a factor in the Abkhaz situation. Neither is religion, per se, a primary cause of Azeri-Armenian hostility, which has led to massacres by both sides and fuels the seemingly endless war over Nagorno-Karabakh. The hostility is generated to a greater extent by ethnic and economic animosities and territorial disputes rooted in the history of the past two hundred years.

Soviet Colonialism: Violent as Russian imperial conquest often was, Russian colonial administration was relatively benign compared to that of its successor, the Soviet Union. It is true, of course, that some Bolsheviks did not originally conceive of the net effect of Leninist restoration of the Russian Empire as colonialism at all and were genuinely, if misguidedly, motivated by intellectual zeal to remold and improve all mankind. Bolshevik idealists were quickly pushed into the background as the Red Army was employed by Lenin, Trotsky and Stalin to destroy the governments of the independent republics all three Transcaucasian nationalities set up in the wake of the 1917 revolutions. North Caucasians attempted to establish a federated Mountain Republic during the same period. Moscow manipulated the situation to take it over and for a time tried to make it work but soon reverted to the traditional Russian divide et impera approach to the region. By 1936, when the Transcaucasian Federated Republic was abolished and the various ethnically defined regions of the North Caucasus were given the administrative form that for the most part survived to the end of the Soviet Union, Moscow ruled the Caucasus region by region from the center. Territorial boundaries had been delineated to facilitate control from the center, not to encourage indigenous peoples to cooperate and mitigate their differences. Rivalries and resentments among Caucasian peoples were always subtly--and at times quite blatantly--encouraged.

Economics: Economically, Soviet colonialism was highly exploitive, for priorities applied to infrastructure expansion and agricultural and industrial development were invariably those of the center. Policies common to the entire Soviet Union--agricultural

collectivization, nationalization of commerce and crafts, forced industrialization with priority for heavy industry, and extraction of natural resources without regard for pollution and depletion--were applied with little attention to local circumstances and desires. And as the momentum went out of the system, stagnation and degeneration set in. Thus the Caucasus today, like the rest of the ex-Soviet Union, suffers with distorted economies that serve local needs inadequately, inefficient factories that consume three or four times as much energy as comparable installations in the West, appalling devastation of landscape in oil-producing regions, poor housing, inefficient transportation, and communications that are 50 years behind what is now taken for granted even in many parts of the former colonial Third World.

Because the region is basically well endowed by nature, and because population pressure is not serious, danger of starvation and severe privation is less acute in the Caucasus than in many other parts of the ex-Soviet Union. Everywhere, however, there has been a severe decline in the standard and quality of life, for the highly centralized Soviet economic system deterred regional authorities from rational management of their economies. Both heavy and light industry as well as services were expanded with little consideration given to meeting local needs or exploiting nearby export markets. Where ethnic tensions have erupted into war, however, disruption of overly centralized, now fragile, systems of supply of energy, food, medicine, and other necessities have broken down. Tensions which cause these breakdowns and conflicts which result from them are then fed and exacerbated by them.

Shortage of Administrative and Political Skills: Some colonial areas (such as the former Belgian Congo--now Zaire--or Indonesia) were launched into independence with little preparation by the metropolitan power. Most, however (such as India), went through a substantial period of tutelage in self-administration. Transfer of power--independence--involved more elation than shock and even in areas where disorders followed (India and Pakistan, e.g.), experienced administrators and political leaders were able to maintain control and continue orderly governmental and economic processes. European colonial empires did not collapse; they were disbanded. In contrast, there was almost no preparation for independence in the ex-Soviet Union. Local party and government officials had been conditioned to obey and implement orders from the center and to think in terms of central priorities. These habits became deeply ingrained. Populations developed habits of thinking of their own needs as largely illicit--which they were, from Moscow's point of view. Under Soviet socialism everything belonged to everybody, so public facilities in actuality belonged to nobody. Common property could be misappropriated, stolen, neglected. Attitudes of responsibility, forms of local initiative, and forms of discipline and control inherent in most free-market societies (and even in many other authoritarian systems) were

largely absent in the ex-Soviet Union.

It is not surprising that the Soviet system did not produce large numbers of men with the political skills necessary to lead open societies, set rational priorities, bargain with interest groups, and work to persuade competing constituencies to recognize the necessity to compromise for the common good. Under the Soviet system, many of the most talented people took refuge in safe areas of specialty. One is struck in all these Caucasian societies by the large number of specialists in linguistics, literature, folklore, archaeology, and history who are now active in politics. After decades of suppressing their ethnic pride and natural feelings, they have now moved into the forefront of political movements asserting ethnic rebirth and national independence. Many of them, alas, are ill equipped to understand the principles of democracy or even of simple leadership and administration in any form and some have already inflicted great harm on their people and brought disaster on themselves--witness Gamsakhurdia in Georgia. Few of them show much grasp of economic realities.

As it collapsed, the Soviet system left people in all parts of society few alternatives except to maximize their demands in hope that they might at least in part prevail against political and economic degeneration and the machinations of their opponents. Given the shortcomings and lack of understanding on the part of available leaders, it is surprising that the transition to independent existence in the Caucasus has not produced more conflicts than it has.

Social Strains: Overpopulation is a relative concept. In comparison to regions with similar geographic features and resources, the Caucasus is not overpopulated. However, the Soviet system prevented people from developing their skills and servicing their own needs. At the same time it provided relatively few opportunities for migration under attractive conditions. Consequently, many parts of the Caucasus suffer from lack of employment opportunities. For much of the Soviet period, people have been moving out of the mountains to the lowlands. Several factors have been involved, including forced collectivization of almost all agricultural activity. State agricultural enterprises employed large numbers of workers irrationally, industry even more so. Because the state-managed distribution and supply system failed to meet the needs of the population, illegal private trade--and even manufacturing--networks developed. These were usually dominated by regional or ethnic "mafias", a term used in the ex-Soviet Union to cover almost all interest-groups operating outside the framework of official controls. These provided, and continue to provide, employment for otherwise jobless young men. Nevertheless, even during the period of firm Soviet control there was a great surplus of labor, some of which was siphoned off to seasonal employment in Russia. Chechens, e.g., are employed as livestock herders all over southern Russia.

The political collapse of the Soviet Union and resultant economic difficulties have exacerbated the employment problem throughout the Caucasus where most local authorities have been slow to develop comprehensive economic reform plans. Leaders eager to organize followers find no shortage of young men ready to volunteer. The deterioration of the former Red Army and the inability of Moscow to exercise effective control over military units in the periphery has unleashed a flood of arms and military equipment available, sometimes at little or no cost, for freebooters eager to organize paramilitary formations. Georgia, perhaps more than any other part of the region, has suffered from this kind of development, but it is also a factor in the Nagorno-Karabakh situation and common in parts of the North Caucasus. Regional authorities have often been forced to organize irregular security forces to protect their interests. Many regional governments are nevertheless too weak to enforce discipline over the forces they sponsor.

Crime, looting, and theft in many forms have become rampant and individual Caucasians, accustomed to the basic order that prevailed under the centralized Soviet system, are ill equipped to take collective responsibility for protecting themselves.

The Russian Factor: In all three now independent Transcaucasian republics, responsible people maintain that the KGB and the communist party, on orders from Moscow, deliberately exacerbated conflicts within and between them during the final years of Soviet power. While this perception may be exaggerated, there is evidence to support it in some cases and the result (whatever the cause) was to burden each of these countries with deteriorated situations difficult for inexperienced and often insecure leaders to deal with. Armenia has never recovered from the massive damage inflicted by the 1988 earthquake. Nevertheless some Armenians gave priority to an attempt to absorb Nagorno-Karabakh and started a war against Azerbaijan which sent the Azeris reeling. Like the Georgians, the Azeris had difficulty getting a government capable of defining their national interests and setting priorities for consolidating independence. The democratically elected and comparatively liberal leadership which finally came to power in Azerbaijan in June 1992 had no alternative but to give highest priority to regaining territory lost to Armenia and counter a potential threat against Nakhichevan. Georgia became independent with secessionist movements already asserting themselves with external encouragement in South Ossetia and Abkhazia. Azeris accuse Moscow of tilting toward Armenia and Georgians accuse Moscow of still encouraging secessionists or, at a very minimum, of failing to control Russian elements supporting them.

The primary conclusion that can be drawn from this continuing welter of charges of interference and irresponsibility by Russia(ns) is that Yeltsin's government has not articulated or been able to enforce a clear and comprehensive Caucasus policy. It is

not surprising that disengagement of Georgia, Armenia, and Azerbaijan from the former Soviet Union has left much unfinished business with the Russian Federation that remains to be accomplished. Each of these governments is currently working on new treaties and agreements. There is a tendency to postpone some difficult issues, however, which may not be unwise. One example is the issue of border controls between Azerbaijan and Dagestan, which is potentially exacerbated because of Lezgin territorial sensitivities. This, fortunately, has not yet developed into a serious confrontation.

A clear Russian policy is even more urgent in the North Caucasus, for the collapse of the Soviet Union left the North Caucasus within the Russian Federation, though geographically and politically the Caucasus as a whole constitutes a rather clearly defined region. The structure of the Russian Federation is being redefined, with a new constitution likely to be put to referendum during 1993. The new constitution, whatever its provisions, is not likely to be settle many ethnic and regional demands for self-determination, real autonomy, or independence. The status of the seven erstwhile officially "autonomous" North Caucasian ethnic entities is unavoidably linked to that of others in the Russian Federation, such as Tatarstan and other Volga-Ural republics as well as distant Yakutia, which now calls itself the Sakha Republic.

Chechnia declared its independence in August 1991 and defied Yeltsin's attempt to coerce it militarily in November 1991. At the same time Chechens gave reluctant de facto recognition to the separation of their long-standing partners, the Ingush, who, with Russian encouragement set up a separate republic. In effect, Russia was applying traditional divide-and-rule tactics in this situation. This led to a new confrontation within a year when the Ingush launched an offensive in the fall of 1992 to regain the long contested Prigorodny Rayon from North Ossetia. For two hundred years the Ossetes have traditionally been regarded by Russia as a most-favored Caucasian people. When the Chechen-Ingush Republic was restored in 1956, Ingush territory previously part of it was left in North Ossetia. Russia now faces a situation where two peoples regarded as among its best friends in the North Caucasus are at odds with each other and the confrontation that has developed cannot be eased without alienating one or both.

The situation in the North Caucasus has been additionally exacerbated by the existence of a Confederation of North Caucasian Peoples (not states) which was formed in 1991 with Chechens and Kabardans among its most enthusiastic members. It has claimed membership of 15 peoples, but the manner in which these peoples' representatives have been chosen is unclear. These include the Abkhaz, whose territory is internationally recognized as part of Georgia and who constitute only 17% of its inhabitants. By sending volunteers to Abkhazia to fight, the Confederation greatly complicated its situation. There are other incongruities as well.

Deposed Georgian President Gamsakhurdia was given refuge in Chechnia when he fled Tbilisi in January 1992. He was a strong opponent of Abkhaz separatism. Though the Chechens have demanded (and for the most part successfully asserted) their independence from Russia, in supporting the Abkhaz they have associated themselves with extreme conservative nationalists in Russia who aim to incorporate Abkhazia into the Russian Federation, as do some Abkhaz leaders who have recently been establishing links with the Dniester separatists in Moldova. Like some of the Abkhaz, the leaders of the breakaway Dniester "republic" have been supported by conservative neo-imperialists, centered around Prokhanov, Alksnis, and the newspaper Den', who advocate the restoration of the Soviet Union itself, with the now independent Transcaucasian and Central Asian Republics, as well as Ukraine, reincorporated into it.

As of present writing, efforts by Chechen leaders to extricate Chechnia from involvement in Abkhazia and work out a rapprochement with Georgia are advancing. Meanwhile some of the other North Caucasians appear to have lost enthusiasm for the Confederation: e.g. the Balkars and the other Turkic groups and many of the peoples of Dagestan. A coherent North Caucasian federation, within or outside the framework of the Russian Federation or the CIS, would offer the prospect of mitigating the problems of the region that are going to continue to bedevil Russia as long as she stumbles on along traditional divide-and-rule lines. Whatever the ultimate goal, it could only be pursued gradually, because everything we have observed during the past two years and current estimates of effectiveness of Russian military forces lead to the conclusion that Moscow has lost the capability of mounting sustained military operations in the North Caucasus. To try could lead to a domestic Afghanistan. Political effervescence and open conflict are likely to continue to characterize the region, for leaders of some ethnic groups aim to separate from existing political entities and set up separate administrations.

Chto Delat'? - **What is to be Done?:** It is important to recognize a few simple general principles as a starting point:

*There is no general solution for the problems of the Caucasus. The complexity of the region is such that each situation has to be dealt with in its own context.

*Active external intervention in any form--fact-finding, conflict resolution, mediation, observers, peace-keeping forces--can be undertaken only with the consent and some degree of support of the powers that exercise sovereignty and/or parties in conflict.

*Russia must be at least minimally supportive of efforts undertaken in the North Caucasus, the Transcaucasian governments of efforts in their territories, among them, or between them and Russia.

*Solution of conflicts, desirable as it may be, is likely to be an unrealistic goal. Mitigation, reduction of intensity, cessation of active hostilities, are likely to be the best result that can be sought.

*Care must be taken that external intervention does not have the unintended effect of prolonging, exacerbating, or intensifying conflicts or reducing prospects for mitigation. Well-meaning external efforts at conflict resolution are all too often exploited by parties in conflict merely to propagandize their cause.

While Caucasians, like people throughout the ex-Soviet Union, talk in terms of democracy, political competition, human rights, free-markets, and free flow of information, these concepts are still inadequately understood but are often exploited as slogans to attract outside support or discredit rivals. Understanding of politics as the art of compromise and accommodation, of democracy as a never-ending process for peaceful resolution of differences and setting of priorities, of rule of law and due process, and of human rights as involving respect for minorities and political opponents, is limited and not widespread in these societies.

Traditional habits and attitudes were never entirely superseded by Soviet practices. Some were adapted and some distorted, but they remain as a substratum. Outsiders coming into these societies to do good must be mindful of underlying layers of consciousness, of conditioned reflexes, of deep-seated fears, both articulated and inherent, which are likely to persist for a long time. They will be well advised to read history, literature, and ethnography relating to the Caucasus to deepen their perceptions and give Caucasians some feeling of assurance that they understand the context in which they live.

While a sizable number of Caucasians of all ethnic groups expend their energy in economic activity ranging from open trade to smuggling of drugs and arms and many cooperate across ethnic lines, others who occupy themselves with politics are more often than not oblivious to economic considerations. While some conflicts in the Caucasus have been exacerbated by some of the economic factors discussed above, most of the ethnic-based conflicts are not economically motivated. Most of the ethnic leaders (both those in power and those in opposition) are neglectful of economic considerations. As a result, economic reform has been lagging in most of the Caucasus. This lag and ethnic tension constitute a vicious circle--ethnic tension discourages economic reform and lack of economic reform encourages ethnic tension.

If economic rejuvenation and development were given higher priority, many ethnic conflicts would probably be reduced in intensity. A good example is the Georgian autonomous republic of Ajaria. If religion and ethnic particularism were inherently a

cause of conflict, this region, with its Muslim-oriented population (closely related to the population of northeastern Turkey) ought to be an area of serious tension. Instead, it is one of Georgia's most peaceful regions as well as an area which has made great strides toward economic recovery and prosperity.

Washington, DC 4 February 1993

საქართველოს რესპუბლიკის პრეზიდენტი
PRESIDENT OF THE REPUBLIC OF GEORGIA

Honorable Senator Deconcini and Representative Hoyer
Co-chairmen, Commission of Security
and Cooperation in Europe
United States Congress

Honorable Senator Deconcini and Representative Hoyer,

I have been informed that the Commission on Security and Cooperation in Europe (Helsinki Commission), which you co-chair is planning a hearing on the Caucasus on March 8, 1993. As the legally and democratically elected first President of Georgia, currently in exile, I would like to share with you my concerns about the current situation in Georgia on the eve of the hearing that you will preside next Monday.

Although there are several dimensions to the current crisis in Georgia, I would like to focus in this letter on three specific issues which I trust will be of particular interest to your hearing. These are: the current crisis of legitimacy in Georgia, the violations of human rights of the Georgian people, and implications of the crisis in Georgia on regional stability and the world order.

As I have stated in several communications to the Heads of State of CSCE, the United Nations and to the Congress of the United States, the legitimate and democratically elected government of Georgia, recognized by 28 states, among them by USA, was overthrown in a military coup in January 1992. The junta that seized power is composed of former communists, the "mafia" and individuals with a clear criminal record. The coup that eventually led to my exile was the culmination of a series of attempts to overthrow the government by force. These attempts started soon after the political coalition that I led won the legislative elections in October 1990. Following those elections, the authorities of the former Soviet Union provided moral and material support to those collaborationist elements that wanted to overthrow the legitimate government of Georgia because of its declared policy of independence from the Soviet Union. The so-called ethnic conflicts in Georgia at the time (e.g., in "South Ossetia") were instigated by Kremlin. President

Gorbachev personally threatened me with dire consequences in Ossetia if I refused to sign the Union Treaty which he has proposing to all former republics. In addition, Kremlin organized informational war and unprecedented campaign of slander against me and legal government, which was repeated in some western mass media.

Perhaps the single most important personality behind the military coup in Georgia is Eduard Shevardnadze. I know that Mr. Shevardnadze is well regarded in the West for his role in "liberating" Eastern Europe, etc., and it is very difficult to convince western leaders of his complicity in the terrible events that have unfolded in Georgia over the past two years. Fortunately, as more information has gradually surfaced in the West about the events since Mr. Shevardnadze's return to Georgia in march 1992, the true nature of the man behind the mask of a "democrat" is emerging. The fact is that despite the promises he made to his friends in the West, Mr.Shevardnadze and his junta have been unable to normalize the situation in Georgia, and have had to resort to violence, terror and gross violations of the human rights of the population to maintain control of the major cities, while most the country remains outside their control. These facts have been documented by independent observers and the media. The most vivid account of the evens since Mr Shevardnadze's return to Georgia can be seen in a television production entitled "Shevardnadze Uncovered" which appeared on the Discovery channel in the United States a few weeks ago. Having been exposed, Mr.Shevardnadze and his comrades are again resorting to disinformation by claiming that I bribed the American television station to show this film!

The fundamental problem standing in the way of peace and democracy in Georgia today is the lack of legitimacy of the group in power. Despite the recent attempts to infuse come legitimacy through "elections", the group in power is still not accepted by the population because the "elections" were not seen by the people as free and democratic. As the CSCE report on the elections states "even representatives of political parties participating in the election conceded that conditions were far from ideal". The various reports also document many "irregularities". From the perspective of population, the election was not free because various methods were used to intimidate the voters. Again, the CSCE report on the election quotes an independent and highly respected editor of Iberia-Spektr that "people were frightened and were being forced to participate in the election, something that never took place in Georgia even under communism".

The CSCE report also states that "uniformity of voters' attitudes towards Shevardnadze and Gamsakhurdia was somewhat suspicious... after ten months of watching the state-

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controlled media, they appeared to sense that they were supposed to vote for Shevardnadze...and that this was the message they should convey to the foreign election monitors." Furthermore, Mr. Shevardnadze said that participations in the elections "shall be considered a patriotic duty of each and every citizen". As the CSCE report concludes, " by implication, therefore, not voting was unpatriotic and malevolent." Finally, it should be recalled that Mr. Shevardnadze was the sole candidate for direct election as a chairman of parliament. While being a sole candidate is not unusual in a communist system, which he is a product of, direct election to the position of chairman of parliament was an electoral "first" with no precedent in history!

Honorable Senator and Representative, my country is today approaching a state of anarchy where armed militias accountable to no legitimately elected official impose their will on the population. Mr. Shevardnadze had publicly stated on his return to Georgia that his aim was "to restore democracy". The very same militias that helped bring him to power are today uncontrolable even by him. As a result, the human rights of Georgian people are systematically violated. Several recent reports by independent outside observers (e.g., State Department Report on Human Rights in Georgia, 1992; Violations of Human Rights in the Caucasus, Report of the Union of Young Europeans, 1992; Democracy and Human Rights in Georgia, Report of the British Helsinki Human Rights Group, 1992; US Congress Helsinki Commission, Reports on Georgia; International Society for Human rights - IGFM Frankfurt/Mein, Reports on human rights in Georgia, etc.,) have documented some of the most outrageous violations, including torture (e.g., Zaza Tsiklauri, Prof. G.Gelbakhiani, and many others), cruel murder of opponents (e.g., school teacher Goksadze, and many others), suppression of free press and speech, shooting and severe dispersion of peaceful demonstrations (hundreds of peaceful civilians, including women and children are killed and wounded), political detention (thousands), extrajuridical executions by illegal military courts, which are similar to Stalin's "troikas" of 1937, large-scale massacres of innocent women and children in western Georgia, including Abkhazia, and "South Ossetia". I trust that your hearings will bring into open these violations.

The most serious violations of human rights are committed by the armed militias. As the State Department Report on Georgia states "Law enforcement officials were credibly accused of human rights violations, including arrests without warrant, the physical abuse of detainees... freedom of speech and press was severely circumscribed... and government supporters took to policing the media... Paramilitary groups, particularly the Mkhedrioni, reportedly relied widely on detentions for political reasons. The

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Mkhedrioni appeared to operate with impurity. Members of the National Guard were also thought to engage in such actions. The beatings of detainees is apparently routine." The latest CSCE report on Georgia also documents wide-spread abuses by the militias. "Mkhedrioni" units have reportedly swarmed though (western Georgia) shooting, arresting, beating robbing raping and abducting people...In Tbilissi, pro-Gamsakhurdia demonstrators have been indisputably been attacked, beaten, arrested, and shot"

Given such indisputable evidence of human Rights violations, complete lack of rule of law, and wide-spread anarchy under the rule of Mr.Shevardnadze and the military junta that supports him, how can democratic countries around the world remain indifferent to the suffering of the Georgian people. These atrocities are being committed by a government which has been recognized by the United States and several other countries (recently one of the biggest newspaper of Germany, "Frankfurter Allgemeine Zeitung" (27.01 93), warn German government to be careful with this criminals, who's hands are dirty not only blood of the compatriots, but also by the drug business and illegal trade of arms).

Gentlemen, Georgia needs a legitimate government that can begin the healing the wounds of last year, move the country along the path of national reconciliation, and start realizing the tremendous economic development potential of the country. As long as armed militias in collaboration with the "mafia" and former communist nomemklatura terrorize the population, there will be no peace and the country risks to slide into a full scale civil war. If there is no peace and legitimate government in Georgia, the whole Caucasus and the region beyond risk to become destabilized, with grave cosequences which could resemble the current situation in the Balkans.

I fear that unless something is done soon, Russia will intervene on a massive scale to ensure control of the borders of the former Soviet Union. This will bring back the empire in new form and destabilize the international order. History has shown that once a powerful country with imperialistic intentions starts expanding its realm, it is difficult to foresee where the process will stop. Unless democratic countries act today in support of legitimate governments in the region, the Caucasus will fall into anarchy and provide the pretext for Russia to resurrect its temporarily concealed imperial intentions. It is possible that president Yeltsin was preparing the world for such a scenario when he claimed this week that Russia should be given a free hand to keep the peace throughout the former Soviet Union, including the possible granting of special United Nations powers!

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In the name of the Georgian nation I appeal to you to use the occasion of the hearing on the Caucasus to sensitize the world opinion to the dangers that lie ahead in the Caucasus and the possible disastrous implications that a continuation of civil strife and lack of rule of law in the region could have on the world order. I also appeal to You to do everything possible to expose the violations of human rights in Georgia and advise the US administration to withdraw recognition from the current government in Georgia until there is a legitimate government in place that respects the internationally recognized norms of rule of law and human rights.

Respectfully,

Zviad Gamsakhurdia

President of the Republic of Georgia in exile

Grozny, Chechen Republic

March 4th, 1993